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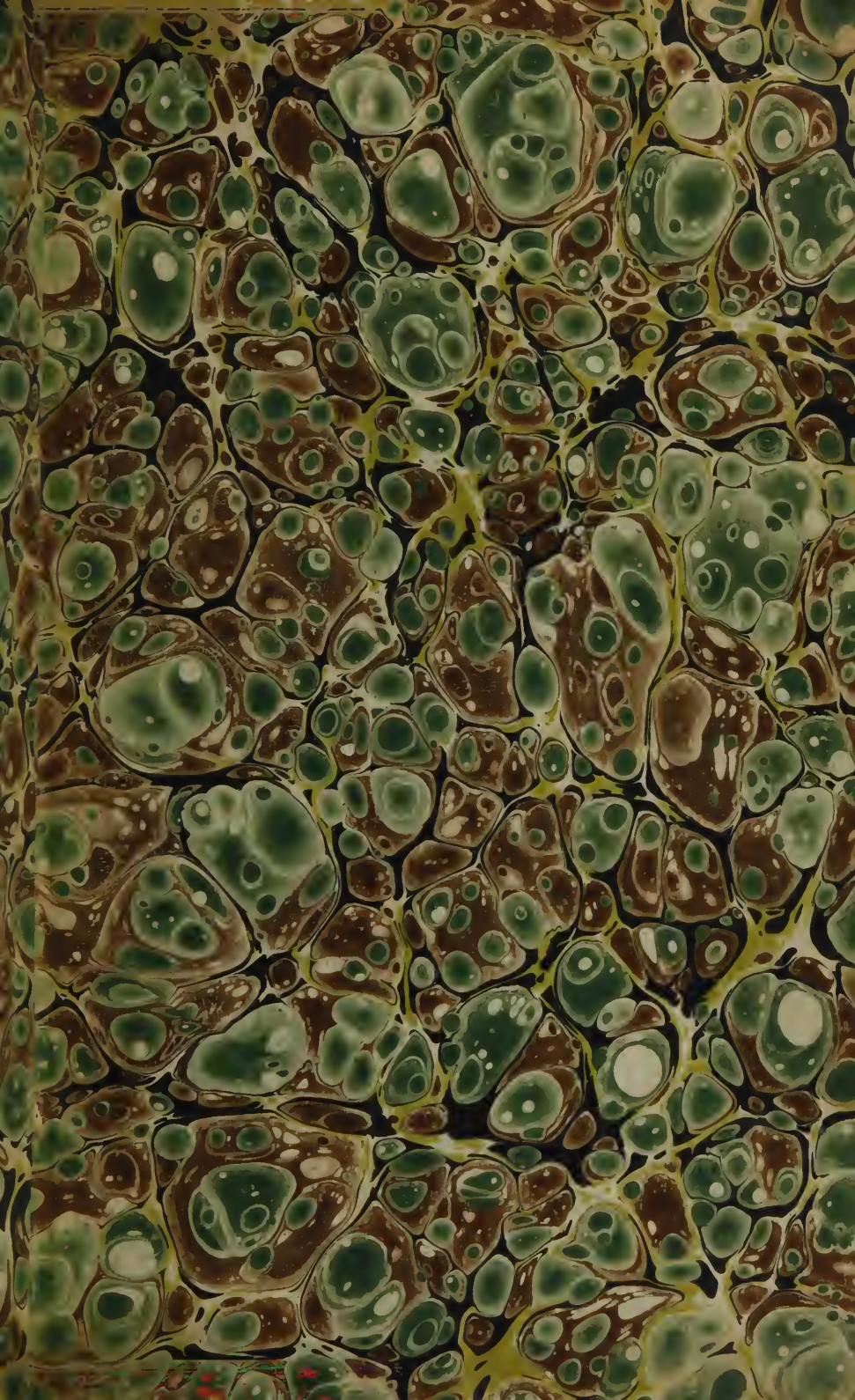


MILITARY LAWS

OF THE

UNITED STATES;

INCLUDING THOSE RELATING

TO

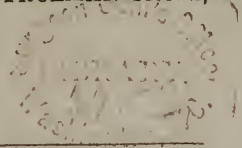
THE MARINE CORPS,

TO WHICH IS PREFIXED

THE CONSTITUTION OF THE UNITED STATES.

COMPILED

BY COLONEL TRUEMAN CROSS, U. S. ARMY.



SECOND EDITION.

WASHINGTON CITY:

PUBLISHED BY GEORGE TEMPLEMAN.

1838.

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DISTRICT OF COLUMBIA, TO WIT:

BE IT REMEMBERED, That on the 9th day of October, Anno Domini, eighteen hundred and thirty-eight, George Templeman, of the said District, deposited in this office the title of a Book, the title of which is in the words following: "Military Laws of the United States, including those relating to the Marine Corps; to which is prefixed the Constitution of the United States—compiled by Colonel Trueman Cross, U. S. Army," the right whereof he claims as proprietor, in conformity with an Act of Congress, entitled "An act to amend the several acts respecting Copy Rights."

EDMUND I. LEE, Clerk of the District.

IN TESTIMONY that the above is a true copy from the records of the District Court for the District of Columbia, I, EDMUND I. LEE, the Clerk thereof, have hereunto [L. S.] set my hand and affixed the seal of my office, this 9th day of October, 1838.

EDMUND I. LEE, Clerk.

The many important laws which have been enacted since the year 1824, when the first edition of this work was published, having rendered a second edition necessary, the Compiler of the first, at the instance of a friend, and with the sanction of the War Department, undertook to arrange the additional matter, and supervise the publication of a second edition. Exercising, at the same time, two-fold official functions, he has not been able to give quite so much attention to the subject as it deserved ; but he nevertheless believes that the execution is sufficiently accurate, and hopes the work will prove acceptable and useful to the service.

ADVERTISEMENT.

The subjoined letters, whilst they show the authority by which this compilation is offered to the army, indicate the plan on which it was originally designed to be executed. It was soon perceived however, from the mingled character of the legislation, that the arrangement suggested could not be adhered to—a single act often embracing provisions under each of the proposed heads of division. This indeed, the compiler, from an acquaintance with the few acts which had previously come under his observation, was already aware of and ought to have borne in mind ; but at the moment of the suggestion, he was rather looking to what should be, than to what was, the actual state of things.

It was not without reluctance that he undertook the task of pronouncing upon the repeal of the several laws: First, from a doubt of his ability—amidst a press of current duties which more than shared his attention, to decide accurately upon so many nice and difficult points ; and secondly, from a conviction, that the question of repeal is purely a *judicial* one, belonging to the competent tribunals to determine. It is, indeed, a right which they cannot surrender ; one which no other power can legally exercise. With these impressions, the notes of the compiler have been made, and though they may be found expressed in terms somewhat positive, they should only be regarded as reference, or passing admonitions, emanating from authority too humble to be taken as conclusive.

WASHINGTON, *December* 24, 1824.

SIR : I have had it in contemplation for some time, and am prompted to the suggestion at this moment by an increased sense of its importance, to propose, for the use of the army, a compilation of the acts of Congress relating thereto. It would embrace all laws of that description, enacted since the formation of the present government, whether relating to organization, discipline, or administration; and if found convenient, would be arranged under those distinct heads, with a view to facilitate reference. The laws relating to the militia, might also be embraced in the shape of an appendix.

The importance and necessity of such a work, are believed to be apparent. That usually denominated the "*Blue Book*," cannot, with propriety, be called a substitute for the one proposed. Besides being extremely deficient in matter, its arrangement is regarded as defective.

The propriety of rendering all the *penal* laws accessible to those on whom they are to operate, is sufficiently obvious—and it is believed to be an object of some moment, that the laws relating to organization and administration, though repealed or modified, should, also, be placed within the reach of the army. If they answer no other end by assisting in the fair interpretation of subsequent acts, they would, perhaps, be important, as presenting a complete and connected history of the military legislation—a point on which, there is some dearth of information. Scattered as those laws are at present, through six ponderous volumes of the statutes at large, it is scarcely possible that they ever can become sufficiently known to the army.

A copious index, with now and then a note of reference, indicating essential connections between laws of different dates, would be all that I should add to a naked copy of the laws themselves, taken from an authentic source.

Should the proposition meet your approbation, I would, very cheerfully, devote my leisure to its accomplishment.

I have the honor, &c. &c.

T. CROSS.

Hon. JOHN C. CALHOUN, *Secretary of War.*

DEPARTMENT OF WAR, *December* 30, 1824.

SIR : I have received and considered your letter of the 24th instant, suggesting a compilation of the acts of Congress, relating to the army and the militia.

The proposition meets my entire approbation, and you are authorized to proceed to the execution of the work as early, and with as much despatch, as your other duties will permit. The plan laid down in your letter will be adhered to, should it not be found impracticable, from the nature of the laws, to observe the classification proposed.

As all the laws will be given, it is desirable, for the sake of practical convenience, to distinguish such as have been repealed by subsequent enactments. A remark to that effect where it is obvious, and a note of reference to direct the readers attention where it is matter of doubt, should, therefore, be inserted. I have the honor, &c. &c.

J. C. CALHOUN.

Maj. T. CROSS, *United States Army.*

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MILITARY LAWS

OF THE

UNITED STATES.

CHAPTER 1.

CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of

ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode Island* and *Providence Plantations* one; *Connecticut* five; *New York* six; *New Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.

1. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class, shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof;

but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each house shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider

it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the supreme court: to define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

11. To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years:

12. To provide and maintain a navy:

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings:—and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for

executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1.

1. The excutive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.*

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to

* Superseded—See amendments, art. 12.

the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. "I do solemnly swear (or affirm) that I will faithfully execute the office "of President of the United States, and will, to the best of my ability, pre- "serve, protect, and defend the constitution of the United States."

SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration, such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION 4.

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.*

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

* See amendments, art. 11.

ARTICLE IV.

SECTION 1.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.
2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.
3. No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.
2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION 4.

1. The United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be

made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article: and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and deputy from Virginia.

NEW HAMPSHIRE.
John Langdon,
Nicholas Gilman.

MASSACHUSETTS.
Nathaniel Gorham,
Rufus King.

CONNECTICUT.
Wm. Samuel Johnson,
Roger Sherman.

NEW YORK.
Alexander Hamilton.

NEW JERSEY.
William Livingston,
David Brearly,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson.
Governeur Morris.

DELAWARE.
George Read,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.
James M'Henry,
Daniel of St. Thomas Jenifer,
Daniel Carroll.

VIRGINIA.
John Blair,
James Madison, jun.

NORTH CAROLINA.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.
John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.
William Few,
Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.*

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor

* It is not perceived, that the "manner" of quartering soldiers in time of war, without the consent of the owners of houses, has yet been prescribed by law.

be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.*

1. The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for

* See article 2, section 1, clause 3.

as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

CHAPTER 2.

In Congress—September 20, 1776.

Resolved, That from and after the publication of the following articles, in the respective armies of the United States, the rules and articles by which the said armies have heretofore been governed, shall be, and they are, hereby repealed.

* SECTION I.

ARTICLE 1. That every officer who shall be retained in the army of the United States, shall, at the time of his acceptance of his commission, subscribe these rules and regulations. All officers retained, shall subscribe these rules and regulations.

* These rules and articles with their supplements, were adopted for the army of the United States, under the constitution, and remained in force till 1806, when they were repealed and supplied—See chap. 11, sec. 4, chap. 12, sec. 13, and chap. 53, sec. 3.

Divine service—deportment at, and penalty for misbehaviour.

ART. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service: and all officers and soldiers who shall behave indecently, or irreverently, at any place of divine worship, shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely repremanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined for twenty-four hours; and, for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied to the use of the sick soldiers of the troop or company to which the offender belongs.

Profane swearing—penalty therefor.

ART. 3. Whatsoever non-commissioned officer or soldier shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and if a commissioned officer be thus guilty of profane cursing or swearing, he shall forfeit and pay, for each and every such offence, two-thirds of a dollar.

Chaplain—penalty for undue absence.

ART. 4. Every chaplain who is commissioned to a regiment, company, troop, or garrison, and shall absent himself from the said regiment, company, troop, or garrison, (excepting in case of sickness or leave of absence) shall be brought to a court-martial, and be fined not exceeding one month's pay, besides the loss of his pay during his absence, or be discharged, as the said court-martial shall judge most proper.

SECTION II.

Traitorous or disrespectful words against congress or state legislatures.

ART. 1. Whatsoever officer or soldier shall presume to use traitorous or disrespectful words against the authority of the United States in Congress assembled, or the legislature of any of the United States in which he may be quartered, if a commissioned officer, he shall be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial.

Contempt or disrespect towards the general-in-chief.

ART. 2. Any officer or soldier who shall behave himself with contempt or disrespect towards the general, or other commander-in-chief of the forces of the United States, or shall speak words tending to his hurt or dishonor, shall be punished according to the nature of his offence, by the judgment of a court-martial.

Mutiny—penalty therefor.

ART. 3. Any officer or soldier who shall begin, excite, cause or join in any mutiny or sedition, in the troop, company, or regiment to which he belongs, or in any other troop or company in the service of the United States, or in any part, post, detachment, or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Suppression of mutiny—penalty

ART. 4. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his

utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by a court-martial with death, or otherwise, according to the nature of the offence. for omiting utmost endeavors.

ART. 5. Any officer or soldier who shall strike his superior officer, or draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial. Resistance to military superiors—disobedience of lawful commands.

SECTION III.

ART. 1. Every non-commissioned officer and soldier, who shall enlist himself in the service of the United States, shall at the time of his so enlisting, or within six days afterwards, have the articles for the government of the forces of the United States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or, where recourse cannot be had to the civil magistrate, before the judge advocate, and, in his presence, shall take the following oath, or affirmation, if conscientiously scrupulous about taking an oath. Articles of war to be read, and oath administered to recruits on enlistment.

I swear, or affirm, (as the case may be,) to be true to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever; and to observe and obey the orders of the Continental Congress, and the orders of the generals and officers set over me by them. Oath.

Which justice or magistrate is to give the officer a certificate, signifying that the man enlisted, did take the said oath or affirmation.

ART. 2. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge, granted to him, shall be allowed of as sufficient, which is not signed by a field officer of the regiment into which he was enlisted, or commanding officer, where no field officer of the regiment is in the same state. Discharge of non commissioned officers and soldiers.

SECTION IV.

ART. 1. Every officer commanding a regiment, troop, or company, shall, upon the notice given to him by the commissary of musters, or from one of his deputies, assemble the regiment, troop, or company, under his command, in the next convenient place for their being mustered. Musters.

Furloughs to non-commissioned officers and soldiers—limitation of, and by whom granted.

ART. 2. Every colonel or other field officer commanding the regiment, troop or company, and actually residing with it, may give furloughs to non-commissioned officers and soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; but, no non-commissioned officer or soldier shall, by leave of his captain, or inferior officer, commanding the troop or company (his field officer not being present) be absent above twenty days in six months, nor shall more than two private men be absent at the same time from their troop or company, excepting some extraordinary occasion shall require it, of which occasion the field officer, present with, and commanding the regiment, is to be the judge.

Absentees at musters—certificates in relation to.

ART. 3. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary, certificates, signed by himself, signifying how long such officers, who shall not appear at the said muster, have been absent, and the reason of their absence; in like manner, the commanding officer of every troop or company shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers; which reasons, and time of absence, shall be inserted in the muster rolls opposite to the names of the respective absent officers and soldiers: The said certificates shall, together with the muster rolls, be remitted by the commissary to the Congress, as speedily as the distance of place will admit.

False certificate.

ART. 4. Every officer who shall be convicted before a general court-martial of having signed a false certificate, relating to the absence of either officer or private soldier, shall be cashiered.

False musters—penalty therefor.

ART. 5. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary who shall willingly sign, direct, or allow the signing of the muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Commissary of musters receiving money by way of gratification.

ART. 6. Any commissary who shall be convicted of having taken money, or any other thing, by way of gratification, on the mustering any regiment, troop, or company, or on the signing the muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment under the United States.

Musters of persons not soldiers.

ART. 7. Any officer who shall presume to muster any person as a soldier, who is, at other times, accustomed to wear a livery, or who does not actually do his duty as a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

SECTION V.

ART. 1. Every officer who shall knowingly make a false return to the Congress, or any committee thereof, to the commander-in-chief of the forces of the United States, or to any, his superior officer, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison, under his command, or of arms, ammunition, clothing, or other stores thereunto belonging, shall, by a court-martial, be cashiered. False returns.

ART. 2. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall, in the beginning of every month, remit to the commander-in-chief of the American forces, and to the Congress, an exact return of the state of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers not then residing at their posts, and the reason for, and time of, their absence: Whoever shall be convicted of having, through neglect or design, omitted the sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court-martial. Monthly returns to be remitted to Congress and the commander-in-chief—penalty for failure.

SECTION VI.

ART. 1. All officers and soldiers who, having received pay, or having been duly enlisted in the service of the United States, shall be convicted of having deserted the same, shall suffer death, or such other punishment as by a court-martial shall be inflicted. Desertion—penalty of.

ART. 2. Any non-commissioned officer or soldier, who shall, without leave from his commanding offier, absent himself from his troop or company, or from any detachment with which he shall be commanded, shall, upon being convicted thereof, be punished, according to the nature of his offence, at the discretion of a court-martial. Absence without leave.

ART. 3. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop or company, without a regular discharge from the regiment, troop or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly: And in case any officer shall, knowingly, receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, he, the said officer so offending, shall, by a court-martial, be cashiered. Re-enlisting before discharge deemed desertion—penalty for entertaining deserters.

ART. 4. Whatsoever officer or soldier shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial. Advising desertion.

SECTION VII.

Reproachful or provoking speeches, &c. prohibited.

ART. 1. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, imprisoned, and of asking pardon of the party offended, in the presence of his commanding officer.

Duelling—challenges to fight prohibited.

ART. 2. No officer or soldier shall presume to send a challenge to any other officer or soldier, to fight a duel, upon pain, if a commissioned officer, of being cashiered, if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court-martial.

Commanders of guards suffering persons to go forth to fight duels, to be punished as challengers.

ART. 3. If any commissioned or non-commissioned officer commanding a guard, shall, knowingly and willingly, suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger: And likewise all seconds, promoters, and carriers of challenges, in order to duels, shall be deemed as principals, and be punished accordingly.

Quelling frays and quarrels.

ART. 4. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commissioned officers or soldiers to prison, till their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

Officer or soldier upbraiding another for refusing a challenge to be punished as a challenger.

ART. 5. Whatsoever officer or soldier shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged of any disgrace, or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the orders of Congress, and done their duty as good soldiers, who subject themselves to discipline.

SECTION VIII.

Sutlers.

ART. 1. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open, for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service, or sermon, on the penalty of being dismissed from all future sutling.

Introduction of provisions, &c. into garrison or forts.

ART. 2. All officers, soldiers, and sutlers, shall have full liberty to bring into any of the forts or garrisons of the United American States, any quantity or species of provisions, eatable or drinkable, except where any contract or contracts are, or shall be entered into by Congress, or by their order, for fur-

nishing such provisions, and with respect only to the species of provisions so contracted for.*

Sutlers to supply good and wholsome provisions at the market price.

ART. 3. All officers commanding in the forts, barracks, or garrisons of the United States, are hereby required to see, that the persons permitted to sutle, shall supply the soldiers with good and wholsome provisions at the market price, as they shall be answerable for their neglect.

Commanding officers not to exact exorbitant rent for houses, &c., let to sutlers nor to be interested in the sale of supplies, nor to lay any duty thereon for their private advantage.

ART. 4. No officers commanding in any of the garrisons, forts, or barracks of the United States, shall either themselves exact exorbitant prices for houses or stalls let out to sutlers, or shall connive at the like exactions in others; nor, by their own authority and for their private advantage, shall they lay any duty or imposition upon, or be interested in the sale of such victuals, liquors, or other necessaries of life, which are brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

SECTION IX.

Commanding officers to keep good order in quarters, &c. and redress abuses to the utmost of their power.

ART. 1. Every officer commanding in quarters, garrisons, or on a march, shall keep good order, and, to the utmost of his power, redress all such abuses or disorders which may be committed by any officer or soldier under his command; if, upon complaint made to him of officers or soldiers beating, or otherwise ill-treating any person; of disturbing fairs or markets, or of committing any kind of riots to the disquieting of the good people of the United States; he the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be punished, by a general court martial, as if he himself had committed the crimes or disorders complained of.

SECTION X.

Officers and soldiers accused of capital crimes, or offences against citizens, to be delivered up to the civil magistrates, upon application duly made.

ART. 1. Whenever any officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of the good people of any of the United American States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop, or party, to which the person or persons so accused shall belong, are hereby required, upon application duly made by or in behalf of the party or parties injured, to use his utmost endeavors to deliver over such accused person or persons to the civil magistrate; and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring them to a trial. If any commanding officer or officers shall

* Repealed and supplied by resolution of 14th April, 1777—See chap. 3.

wilfully neglect or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers so offending shall be cashiered.

No person to be protected from his creditors on pretence of being a soldier.

ART. 2. No officer shall protect any person from his creditors, on the pretence of his being a soldier, nor any non-commissioned officer or soldier who does not actually do all duties as such, and no farther than is allowed by a resolution of Congress, bearing date the 26th day of December, 1775.* Any officer offending herein, being convicted thereof before a court-martial, shall be cashiered.

SECTION XI.

Redress of grievances of commissioned officers.

ART. 1. If an officer shall think himself to be wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the general, commanding in chief the forces of the United States, in order to obtain justice, who is hereby required to examine into the said complaint, and, either by himself, or the board of war, to make report to Congress thereupon, in order to receive further directions.†

Redress of grievances of inferior officers and soldiers.

ART. 2. If any inferior officer or soldier shall think himself wronged by his captain, or other officer commanding the troop or company to which he belongs, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial either party may, if he think himself still aggrieved, appeal to a general court-martial; but if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing shall be punished at the discretion of the said general court-martial.

*TUESDAY, DECEMBER 26, 1775.

Whereas there is reason to believe, that divers persons, either from inattention to the public good, or with design to retard the recruiting service, have arrested and imprisoned, for very trifling debts, many soldiers, who had engaged to risque their lives in defence of the liberties of America; and, as it has always been found necessary, in time of war, to regulate and restrain a practice of such pernicious tendency, and in such cases, to abate the rigour of the law:

Resolved, therefore, That it be recommended to the several legislatures in these colonies, whether assemblies or conventions, to pass acts or ordinances, prohibiting the arrests of continental soldiers for small debts; and in order that the same rule may pervade all the colonies, that no soldier be arrested at the suit of any of his creditors, unless the said creditor make oath, that the said soldier is justly indebted to him in the sum of thirty-five dollars over and above all discounts; and that the estate of no such soldier be liable to attachment at the suit of, or for the benefit of all his creditors, unless their debts in the whole, on being ascertained by their oaths, shall amount to more than one hundred and fifty dollars.

†Repealed and supplied by resolution of 14th April, 1777—See chap. 3.

SECTION XII.

Embezzlement, waste, and misapplication of military stores by officers.

ART. 1. Whatsoever commissioned officer, store-keeper, or commissary, shall be convicted at a general court-martial of having sold (without a proper order for that purpose) embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores belonging to the United States, to be spoiled or damaged, the said officer, store-keeper, or commissary so offending, shall, at his own charge, make good the loss or damage, shall moreover forfeit all his pay, and be dismissed from the service.

Waste and sale of ammunition by non-commissioned officers and soldiers.

ART. 2. Whatsoever non-commissioned officer or soldier shall be convicted, at a regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him to be employed in the service of the United States, shall, if a non-commissioned officer, be reduced to a private sentinel, and shall besides suffer corporeal punishment in the same manner as a private sentinel so offending, at the discretion of a regimental court-martial.

Loss and sale of horses and military equipments.

ART. 3. Every non-commissioned officer or soldier who shall be convicted at a court-martial of having sold, lost or spoiled, through neglect, his horse, arms, clothes or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as a court-martial shall judge sufficient for repairing the loss or damage; and shall suffer imprisonment, or such other corporeal punishment, as his crime shall deserve.

Embezzlement and misapplication of public money.

ART. 4. Every officer who shall be convicted at a court-martial, of having embezzled or misapplied any money with which he may have been entrusted for the payment of the men under his command, or for enlisting men into the service, if a commissioned officer, shall be cashiered and compelled to refund the money; if a non-commissioned officer, shall be reduced to serve in the ranks as a private soldier, be put under stoppages until the money be made good, and suffer such corporeal punishment, (not extending to life or limb) as the court-martial shall think fit.

Captains charged with the supplies for their companies.

ART. 5. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

SECTION XIII.

Absence from camp without leave.

ART. 1. All non-commissioned officers and soldiers, who shall be found one mile from the camp, without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

Lying out of quarters, &c. without leave.

ART. 2. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Retiring to quarters at retreat beat

ART. 3. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished, according to the nature of his offence, by the commanding officer.

Absence from parade.

ART. 4. No officer, non-commissioned officer, or soldier, shall fail of repairing, at the time fixed, to the place of parade or exercise, or other rendezvous appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, or from his guard, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Drunkenness on guard or other duty.

ART. 5. Whatever commissioned officer shall be found drunk on his guard, party, or other duty under arms, shall be cashiered for it; any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court-martial.

Sentinels sleeping on post.

ART. 6. Whatever sentinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

Hiring of duty.

ART. 7. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in case of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the next regimental court-martial.

Conniving at the hiring of duty.

ART. 8. And every non-commissioned officer conniving at such hiring of duty as aforesaid, shall be reduced for it; and every commissioned officer, knowing and allowing of such ill practices in the service, shall be punished by the judgment of a general court-martial.

False alarms.

ART. 9. Any person, belonging to the forces employed in the service of the United States, who, by discharging of firearms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Quitting the ranks.

ART. 10. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his platoon or division, shall be punished, according to the nature of his offence, by the sentence of a court-martial.

Violence to traders.

ART. 11. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison or quarters of the forces of the United States employed in parts out of said states, on pain of death, or such other punishment as a court-martial shall direct.

Cowardice.

ART. 12. Whatsoever officer or soldier shall misbehave himself before the enemy, or shamefully abandon any post committed to his charge, or shall speak words inducing others to do the like, shall suffer death.

Misbehaviour before the enemy—pillaging after victory.

ART. 13. Whatsoever officer or soldier shall misbehave himself before the enemy, and run away, or shamefully abandon any fort, post or guard, which he or they shall be commanded to defend, or speak words inducing others to do the like; or who, after victory, shall quit his commanding officer, or post, to plunder and pillage; every such offender, being duly convicted thereof, shall be reputed a disobeyor of military orders; and shall suffer death, or such other punishment, as, by a general court-martial, shall be inflicted on him.

Casting away arms, &c.

ART. 14. Any person, belonging to the forces of the United States, who shall cast away his arms and ammunition, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Imparting watch-word to persons not entitled to receive it.

ART. 15. Any person, belonging to the forces of the United States, who shall make known the watch-word to any person who is not entitled to receive it according to the rules and discipline of war, or shall presume to give a parole or watch-word different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Officers and soldiers to behave orderly in quarters and on marches—not to commit waste or spoil unless by order of the commander-in-chief.

ART. 16. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses or gardens, corn-fields, enclosures or meadows, or shall maliciously destroy any property whatsoever belonging to the good people of the United States, unless by order of the then commander-in-chief of the forces of the said states, to annoy rebels or other enemies in arms against said states, he or they that shall be found guilty of offending herein, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

Forcing safe guards.

ART. 17. Whosoever belonging to the forces of the United States, employed in foreign parts, shall force a safe-guard, shall suffer death.

Relieving the enemy.

ART. 18. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Holding correspondence with the enemy.

ART. 19. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Public stores captured from the enemy.

ART. 20. All public stores taken in the enemy's camp, towns, forts or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanders-in-chief are to be answerable.

Leaving post or colors in search of plunder.

ART. 21. If any officer or soldier shall leave his post or colors to go in search of plunder, he shall upon being convicted thereof before a general court-martial, suffer death, or such other punishment as by a court-martial shall be inflicted.

Posts forcibly surrendered by their garrisons.

ART. 22. If any commander of any garrison, fortress, or post, shall be compelled by the officers or soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

Sutlers and retainers subject to orders.

ART. 23. All sutlers and retainers to a camp, and all persons whatsoever serving with the armies of the United States, in the field, though no enlisted soldier, are to be subject to orders, according to the rules and discipline of war.

Brevets and former commissions—when to take effect.

ART. 24. Officers having brevets, or commissions of a prior date to those of the regiment in which they now serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets or dates of their former commissions; but in the regiment, troop, or company, to which such brevet officers and those who have commissions of a prior date do belong, they shall do duty and take rank both on court-martial and on detachments which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Troops joining on marches, guards or in quarters—eldest officer shall command the whole and give out orders for what is needful to the service.

ART. 25. If upon marches, guards, or in quarters, different corps shall happen to join or do duty together, the eldest officer by commission there, on duty, or in quarters, shall command the whole, and give out orders for what is needful to the service; regard being always had to the several ranks of those corps, and the posts they usually occupy.

Troops marching or encamped together; eldest officer without respect to corps shall command the whole.

ART. 26. And in like manner also, if any regiments, troops, or detachments of horse or foot, shall happen to march with, or be encamped or quartered with any bodies or detachments of other troops in the service of the United States, the eldest officer, without respect to corps, shall take upon him the command, of the whole, and give the necessary orders to the service.

SECTION XIV.*

General courts martial not to consist of less than thirteen commissioned officers.

ART. 1. A general court-martial in the United States shall not consist of less than thirteen commissioned officers, and the president of such court-martial shall not be the commander-in-chief or commandant of the garrison where the offender shall be tried, nor be under the degree of a field officer.

Members to take rank according

ART. 2. The members both of general and regimental courts-martial shall, when belonging to different corps, take the same

*This section, and such articles as relate to the holding of courts-martial and confirmation of sentences, were repealed and supplied by resolutions of the 31st of May, 1786—See chap. 8.

rank which they hold in the army; but when courts-martial shall be composed of officers of one corps, they shall take their ranks according to the dates of the commissions, by which they are mustered in the said corps. to the composition of the court.

ART. 3. The judge advocate general, or some person deputed by him, shall prosecute in the name of the United States of America; and in trials of offenders by general courts-martial, administer to each member the following oaths: Judge advocate general to prosecute in the name of the United States.

"You shall well and truly try and determine, according to your evidence, the matter now before you, between the United States of America, and the prisoners to be tried. So help you God." Oaths of members.

"You A. B. do swear, that you will duly administer justice according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor, or affection; and if any doubt shall arise, which is not explained by the said articles, according to your conscience, the best of your understanding, and the custom of war in the like cases. And you do further swear, that you will not divulge the sentence of the court, until it shall be approved of by the general, or commander-in-chief; neither will you, upon any account, at any time whatever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, in a due course of law. So help you God."

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

"You A. B. do swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God." Oath of judge advocate.

ART. 4. All the members of a court-martial are to behave with calmness and decency; and in the giving of their votes, are to begin with the youngest in commission. Behaviour of members, and mode of voting.

ART. 5. All persons who give evidence before a general court-martial, are to be examined upon oath; and no sentence of death shall be given against any offender by any general court-martial, unless two-thirds of the officers present shall concur therein. Witnesses to be examined on oath—two-thirds of the members necessary to a sentence of death.

ART. 6. All persons called to give evidence, in any cause, before a court-martial, who refuse to give evidence, shall be punished for such refusal, at the discretion of such court-martial: The oath to be administered in the following form, viz. Witnesses refusing to give evidence, punishable.

"You swear the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God." Oath of witnesses.

ART. 7. No field officer shall be tried by any person under the degree of a captain; nor shall any proceedings or trials be Field officers—trial of—hours of proceeding.

carried on excepting between the hours of eight in the morning and three in the afternoon, except in cases which require an immediate example.

Sentences of general courts-martial.

ART. 8. No sentence of a general court-martial shall be put in execution, till after a report shall be made of the whole proceedings to Congress, or to the general or commander-in-chief of the forces of the United States, and their or his directions be signified thereupon.*

Disputes between individuals of different corps.

ART. 9. For the more equitable decision of disputes which may arise between officers and soldiers belonging to different corps, it is hereby directed, that the courts-martial shall be equally composed of officers belonging to the corps in which the parties in question do then serve; and that the presidents shall be taken by turns, beginning with that corps which shall be eldest in rank.

Regimental courts-martial—powers.

ART. 10. The commissioned officers of every regiment may, by the appointment of their colonel or commanding officer, hold regimental court-martial for the inquiring into such disputes, or criminal matters, as may come before them, and for the inflicting corporeal punishments for small offences, and shall give judgment by the majority of voices; but no sentence shall be executed till the commanding officer (not being a member of the court-martial) or the commandant of the garrison, shall have confirmed the same.

Organization of regimental courts-martial.

ART. 11. No regimental court-martial shall consist of less than five officers, excepting in cases where that number cannot conveniently be assembled, when three may be sufficient; who are likewise to determine upon the sentence by the majority of voices; which sentence is to be confirmed by the commanding officer of the regiment, not being a member of the court-martial.

Garrison or detachment courts-martial.

ART. 12. Every officer commanding in any of the forts, barracks, or elsewhere, where the corps under his command consists of detachments from different regiments, or of independent companies, may assemble courts-martial for the trial of offenders in the same manner as if they were regimental, whose sentence is not to be executed until it shall be confirmed by the said commanding officer.

Dismissal of commissioned officers.

ART. 13. No commissioned officer shall be cashiered or dismissed from the service, excepting by an order from the Congress, or by the sentence of a general court-martial; but non-commissioned officers may be discharged as private soldiers, and, by the order of the colonel of the regiment, or by the sentence of a regimental court-martial, be reduced to private sentinels.

Conduct in presence of courts-martial, &c.

ART. 14. No person whatever shall use menacing words, signs, or gestures, in the presence of a court-martial then sitting, or shall cause any disorder or riot, so as to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

* Repealed and supplied by resolution of 14th April, 1777—See chap. 3.

Offenders to be arrested and confined.

ART. 15. To the end that offenders may be brought to justice, it is hereby directed, that whenever any officer or soldier shall commit a crime deserving punishment, he shall, by his commanding officer, if an officer, be put in arrest; if a non-commissioned officer or soldier, be imprisoned till he shall be either tried by a court-martial, or shall be lawfully discharged by a proper authority.

Limitation of arrest and confinement.

ART. 16. No officer or soldier who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or till such time as a court-martial can be conveniently assembled.

Refusal to receive prisoners.

ART. 17. No officer commanding a guard, or provost-martial, shall refuse to receive or keep any prisoner committed to his charge, by any officer belonging to the forces of the United States; which officer shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Release and escape of prisoners.

ART. 18. No officer commanding a guard, or provost-martial, shall presume to release any prisoner committed to his charge without proper authority for so doing; nor shall he suffer any prisoner to escape, on the penalty of being punished for it by the sentence of a court-martial.

Provost martial to make daily reports of prisoners confined.

ART. 19. Every officer or provost-martial to whose charge prisoners shall be committed, is hereby required, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, to give in writing to the colonel of the regiment to whom the prisoner belongs (where the prisoner is confined upon the guard belonging to the said regiment, and that his offence only relates to the neglect of duty in his own corps) or to the commander-in-chief, their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for his disobedience or neglect, at the discretion of a court-martial.

Breach of arrest.

ART. 20. And if any officer under arrest, shall leave his confinement before he is set at liberty by the officer who confined him, or by a superior power, he shall be cashiered for it.

Conduct unbecoming an officer and gentleman.

ART. 21. Whatsoever commissioned officer shall be convicted, before a general court-martial, of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be discharged from the service.

Officers cashiered for cowardice or fraud—sentence to be published in newspapers, in and about the camp, and of the state from which the offender came.

ART. 22. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the punishment, that the crime, name, place of abode, and punishment of the delinquent, be published in the newspapers, in and about the camp, and of that particular state from which the offender came, or usually resides: After which, it shall be deemed scandalous for any officer to associate with him.

SECTION XV.

Effects of commissioned officers who die or are killed in service.

ART. 1. When any commissioned officer shall happen to die, or be killed in the service of the U. States, the major of the regiment, or the officer doing the major's duty in his absence, shall immediately secure all his effects, or equipage, then in camp or quarters; and shall, before the next regimental court-martial, make an inventory thereof, and forthwith transmit the same to the office of the board of war, to the end, that his executors may, after payment of his debts in quarters and interment, receive the overplus, if any be, to his or their use.

Effects of non-commissioned officers and soldiers who shall happen to die or be killed in service.

ART. 2. When any non-commissioned officer or soldier shall happen to die, or to be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of whatever effects he dies possessed of, above his regimental clothing, arms and accoutrements, and transmit the same to the office of the board at war; which said effects are to be accounted for, and paid to the representative of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of dead officers and soldiers, should, before they shall have accounted to their representatives for the same, have occasion to leave the regiment, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the agent of the regiment, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

SECTION XVI.

Artillery subject to rules and articles of war.

ART. 1. All officers, conductors, gunners, matrosses, drivers, or any other persons whatsoever, receiving pay or hire in the service of the artillery of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Artillery courts-martial.

ART. 2. For differences arising amongst themselves, or in matters relating solely to their own corps, the court-martial may be composed of their own officers; but where a number sufficient of such officers cannot be assembled, or in matters wherein other corps are interested, the officers of artillery shall sit in courts-martial with the officers of the other corps, taking their rank according to the dates of their respective commissions, and no otherwise.

SECTION XVII.

Militia, &c. when in continental pay, sub-

ART. 1. The officers and soldiers of any troops, whether minute-men, militia, or others, being mustered and in continental pay, shall, at all times, and in all places, when joined or

acting in conjunction with the regular forces of the United States, be governed by these rules or articles of war, and shall be subject to be tried by courts-martial in like manner with the officers and soldiers in the regular forces, save only that such courts-martial shall be composed entirely of militia officers of the same provincial corps with the offender. Subject to these rules and articles of war.

That such militia and minute-men as are now in service, and have, by particular contract with their respective states, engaged to be governed by particular regulations while in continental service, shall not be subject to the above articles of war.

ART. 2. For the future, all general officers and colonels, serving by commission from the authority of any particular state, shall, on all detachments, courts-martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all generals and colonels serving by commissions from Congress, though the commissions of such particular generals and colonels should be of elder date; and in like manner lieutenant-colonels, majors, captains, and other inferior officers, serving by commission from any particular state, shall, on all detachments, courts-martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, have rank next after all officers of the like rank serving by commissions from Congress, though the commissions of such lieutenant-colonels, majors, captains, and other inferior officers, should be of elder date to those of the like rank from Congress. Officers of the regular forces of the U. States, take rank of those of like grades serving by state authority, without regard to dates.

SECTION XVIII.

ART. 1. The aforegoing articles are to be read and published once in every two months, at the head of every regiment, troop or company, mustered, or to be mustered in the service of the United States; and are to be duly observed and exactly obeyed by all officers and soldiers who are or shall be in the said service. These articles to be read once in two months.

ART. 2. The general, or commander-in-chief for the time being, shall have full power of pardoning or mitigating any of the punishments ordered to be inflicted, for any of the offences mentioned in the foregoing articles; and every offender convicted as aforesaid, by any regimental court-martial, may be pardoned, or have his punishment mitigated by the colonel, or officer commanding the regiment.* Mitigation of punishments.

ART. 3. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall more than one hundred lashes be inflicted on any offender, at the discretion of a court-martial. Sentence of death—limitation of corporeal punishment—original proceedings of courts-martial to be filed in war office.

That every judge-advocate, or person officiating as such, at any general court-martial, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and

* Repealed and supplied by resolution of 14th April, 1777—See chap. 3.

sentence of such court-martial to the secretary at war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

That the party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons, on his behalf, whether such sentence be approved or not.

Fines to be collected and applied to relief of the sick.

ART. 4. The field-officers of each and every regiment, are to appoint some suitable person belonging to such regiment, to receive all such fines as may arise within the same, for any breach of any of the foregoing articles, and shall direct the same to be carefully and properly applied to the relief of such sick, wounded or necessitous soldiers as belong to such regiments; and such person shall account with such officer for all fines received, and the application thereof.

Crimes not capital, &c. punishable at discretion of courts-martial.

ART. 5. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the above articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and to be punished at their discretion.

CHAPTER 3.

In Congress—April 14, 1777.

Resolved, That from and after the publication hereof, the 2d article of the 8th section, the 1st article of the 11th section, the 8th article of the 14th section, and the 2d article of the 18th section, of the rules and articles for the better government of the troops raised, or to be raised, and kept in pay by, and at the expense of the United States of America, passed in Congress the 20th day of September, 1776,* shall be, and they are hereby, repealed; and that the four following articles be substituted in the place and stead thereof.

All officers and soldiers at liberty to bring provisions into forts or garrisons except when contracted for by Congress.

ART. 1. All officers and soldiers shall have full liberty to bring into any of the forts or garrisons of the United States of America, any quantity of eatable provisions, except where any contracts are, or shall be, entered into by Congress, or by their orders, for furnishing such provisions, and with respect only to the species of provisions so contracted for.

Officers wronged by their colonel and refused redress may complain to the general commanding who

ART. 2. If any officer shall think himself to be wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the continental general commanding in the state where such regiment shall be stationed, in order

* See chapter 2.

to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to Congress, a true state of such complaint, with the proceedings had thereon.

shall take measures to redress the wrong, and report the case to Congress.

ART. 3. No sentence of a general court-martial shall be put in execution, till after report shall be made of the whole proceedings to Congress, the commander-in-chief, or the continental general commanding in the state, where such a general court-martial shall be held, and their or his orders be issued for carrying such sentence into execution.*

Sentences of general courts-martial to be reported to Congress or commander-in-chief for orders before execution.

ART. 4. The continental general, commanding in either of the American states, for the time being, shall have full power of appointing general courts-martial to be held, and of pardoning or mitigating any of the punishments ordered to be inflicted for any of the offences mentioned in the aforementioned rules and articles for the better government of the troops; except the punishment of offenders, under sentence of death, by a general court-martial, which he may order to be suspended until the pleasure of Congress can be known, which suspension, with the proceedings of the court-martial, the said general shall immediately transmit to Congress for their determination. And every offender, convicted by any regimental court-martial, may be pardoned, or have his punishment mitigated by the colonel, or officer commanding the regiment.*

Continental generals may appoint general courts-martial and pardon or mitigate all punishments authorized, except sentence of death, which they shall suspend and report with proceedings to the Congress.

CHAPTER 4.

In Congress—May 27, 1777.

Resolved, That the general, or commander-in-chief, for the time being, shall have full power of pardoning or mitigating any of the punishments ordered to be inflicted for any of the offences mentioned in the rules and articles, for the better government of the troops raised, or to be raised and kept in pay by, and at the expense of, the United States of America; the fourth article resolved in Congress the 14th day of April last, notwithstanding.

The general or commander-in-chief may pardon or mitigate any of the punishments authorized to be inflicted by the rules and articles of war.

CHAPTER 5.

In Congress—June 14, 1777.

Resolved, That the flag of the thirteen United States, be thirteeen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation.†

Flag of the United States.

* Modified by resolutions of 27th May, and 18th June, 1777—see chaps. 4, and 6, also chap. 8, art. 2.

† Altered by act of 13th January, 1794—see chap. 17.

CHAPTER 6.

In Congress—June 18, 1777.

General officers commanding separate departments may act upon capital sentences without reference to Congress or commander-in-chief.

Resolved, That a general officer commanding a separate department, be empowered to grant pardons to, or order execution of, persons condemned to suffer death by general courts-martial, without being obliged to report the matter to Congress or the commander-in-chief.

CHAPTER 7.

In Congress—April 12, 1785.

700 troops to be raised.

Resolved, That the non-commissioned officers and privates to be raised by the resolution of the seventh day of the present month, April, be furnished by the states hereinafter mentioned, in the following proportions:

Connecticut, - - -	165
New York, - - -	165
New Jersey, - - -	110
Pennsylvania, - - -	260
	——700

Commissioned officers to be furnished by the states named.

That the following commissioned officers be furnished by the said states, for the said troops, in the following proportions:

One lieutenant colonel from Pennsylvania.

Two majors, one from Connecticut, and one from New York, each to command a company.

Eight captains, ten lieutenants, one to act as adjutant, one as quartermaster, and one as paymaster. Ten ensigns, one surgeon and four mates, to be furnished by the said states in proportion to the number of privates which they respeetively furnish.

Pay of officers, non-commissioned officers, and soldiers.

That the pay of the lieutenant colonel be fifty dollars per month; that of the major, forty-five; captain, thirty-five; lieutenant, twenty-six; ensign, twenty; sergeant, six; corporal, five; drum, five; fife, five; private, four; surgeon, forty-five; mate, thirty.

That the lieutenants acting as adjutant, quartermaster and paymaster, shall receive, in consideration of the said extra duty, each ten dollars per month.

That each officer and soldier shall receive one month's pay after they are embodied, before their march.*

* The provisions of this resolution in regard to pay, were adopted by a resolution of the 3d of October, 1787, and again by an act of Congress of 29th September, 1789—see chapter 9 and chapter 11, section 2.—Repealed and supplied by act of 30th April, 1790—see chap. 12.

That the secretary of war be directed to form the said troops when raised into one regiment, consisting of eight companies of infantry, and two of artillery, to appoint their places of rendezvous, direct their subsequent operations, and make all other inferior necessary arrangements not herein particularly mentioned, subject to the order of Congress, and of the committee of the states in the recess of Congress; and that the commissioners of the treasury be instructed to furnish on his warrant, the sums necessary for carrying the same into effect.

Troops to be organized into one regiment, consisting of eight companies, of infantry and two of artillery.

That the said troops when embodied, on their march, on duty, or in garrison, shall be subject to all the rules and regulations formed for the government of the late army, or such other rules as Congress or a committee of the states may form.

When embodied, shall be subject to the rules and articles of war.

That the secretary at war ascertain the necessary clothing and rations proper for the troops, and report the same to Congress.

Clothing.

That the commissioners of the treasury contract for the supply of rations at such places and in such quantities as the secretary at war shall judge necessary.

Rations.

CHAPTER 8.

In Congress—May 31, 1786.

WHEREAS crimes may be committed by officers and soldiers, serving with small detachments of the forces of the United States, and where there may not be a sufficient number of officers to hold a general court-martial, according to the rules and articles of war, in consequence of which criminals may escape punishment, to the great injury of the discipline of the troops and the public service:

Resolved, That the 14th section of the rules and articles for the better government of the troops of the United States, and such other articles as relate to the holding of courts-martial, and the confirmation of the sentences thereof, be, and they are hereby repealed.

Resolved, That the following rules and articles for the administration of justice, and the holding of courts-martial, and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all officers and soldiers, who are, or shall be in the armies of the United States.

ADMINISTRATION OF JUSTICE.

ART. 1. General courts-martial may consist of any number of commissioned officers from five to thirteen inclusively; but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

General courts-martial may consist of any number of commissioned officers from five to thirteen.

General courts-martial shall be ordered as often as the cases may require, by the general or officer commanding the troops. Sentences not to be executed until after the proceedings shall have been laid before him; nor then, in time of peace, if they extend to loss of life, or dismission of commissioned officers; nor in time of peace or war, if they respect general officers, until laid before Congress for their orders.

ART. 2. General courts-martial shall be ordered, as often as the cases may require, by the general or officer commanding the troops. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the said general or officer commanding the troops for the time being; neither shall any sentence of a general court-martial in time of peace, extending to the loss of life, the dismission of a commissioned officer, or which shall either in time of peace or war respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the secretary at war, to be laid before Congress for their confirmation, or disapproval, and their orders on the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

Officers commanding regiments or corps may appoint regimental courts-martial and decide upon their sentences.

ART. 3. Every officer commanding a regiment or corps, may appoint of his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial of offences, not capital, and the inflicting corporeal punishments, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other place where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

Regimental or garrison courts-martial not to try capital cases, nor commission'd officers; nor inflict a fine exceeding a month's pay, nor imprison or put to hard labor for more than one month.

ART. 4. No garrison or regimental court-martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

Members of all courts-martial, take rank according to the composition of the courts.

ART. 5. The members of all courts-martial shall, when belonging to different corps, take the same rank in court which they hold in the army. But when courts-martial shall be composed of officers of one corps, they shall take rank according to the commissions by which they are mustered in the said corps.

Judge-advocate shall prosecute in the name of the United States, but after the plea of the prisoner, shall shield him from self-crimination by any question to himself or leading questions to witnesses.

ART. 6. The judge-advocate, or some person deputed by him, or by the general or officer commanding the army, detachment or garrison, shall prosecute in the name of the United States of America; but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member the following oaths, which shall also be taken by all members of regimental and garrison courts-martial.

Oaths of members.

"You shall well and truly try and determine, according to evidence, the matter now before you, between the United States of America, and the prisoner to be tried. So help you God."

"You, A. B., do swear, that you will duly administer justice, according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor or affection; and if any doubt shall arise, which is not explained by said articles, according to your conscience, the best of your understanding, and the custom of war, in the like cases. And you do further swear, that you will not divulge the sentence of the court, until it shall be published by the commanding officer. Neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

And as soon as the said oaths shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

Oath of judge-advocate.

"You, A. B., do swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. So help you God."

Members to behave with decency, and in voting begin with the youngest in commission.

ART. 7. All the members of a court-martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

Witnesses shall be examined on oath—sentence of death requires concurrence of two-thirds of the members.

ART. 8. All persons who give evidence before a court-martial, are to be examined on oath, or affirmation, as the case may be, and no sentence of death shall be given against any offender by any general court-martial, unless two-thirds of the members of the court shall concur therein.

Oath of witness.

ART. 9. Whenever an oath or affirmation shall be administered by a court-martial, the oath or affirmation shall be in the following form:

"You swear (or affirm, as the case may be) the evidence you shall give in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

On trials not capital, depositions of witnesses not of the army may be taken and read in evidence.

ART. 10. On the trials of cases not capital, before courts-martial, the depositions of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence, provided the prosecutor and person accused are present at the taking the same.

Officers not to be tried but by general courts-martial, nor by inferior grades if it can be avoided—hours of proceeding.

ART. 11. No officer shall be tried but by a general court-martial, nor by officers of an inferior rank if it can be avoided. Nor shall any proceedings or trials be carried on, except-ing between the hours of eight in the morning and three in the afternoon, except in cases which, in the opinion of the officer appointing the court require immediate example.

Conduct in presence of court-martial.

ART. 12. No person whatsoever shall use menacing words, signs or gestures in the presence of a court martial, or shall cause any disorder or riot to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

Dismissal of officers, and discharge of non-commissioned officers and soldiers.

ART. 13. No commissioned officer shall be cashiered, or dismissed from the service, excepting by order of Congress, or by the sentence of a general court-martial; and no non-commissioned officer or soldier shall be discharged the service, but by the order of Congress, the secretary at war, the commander-in-chief, or commanding officer of a department, or by the sentence of a general court-martial.

Arrest and confinement of officers—breach of arrest.

ART. 14. Whenever any officer shall be charged with a crime, he shall be arrested and confined to his barracks, quarters or tent, and deprived of his sword by his commanding officer. And any officer, who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior power, shall be cashiered for it.

Imprisonment of soldiers

ART. 15. Non-commissioned officers and soldiers, who shall be charged with crimes, shall be imprisoned, until they shall be tried by a court-martial, or released by proper authority.

Limitations of arrest and confinement.

ART. 16. No officer or soldier, who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or until such time as a court-martial can be assembled.

Refusal to receive prisoners.

ART. 17. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge by any officer belonging to the forces of the United States, provided the officer committing shall, at the same time, deliver an account in writing signed by himself, of the crime with which the said prisoner is charged.

Release and escape of prisoners.

ART. 18. No officer commanding a guard, or provost-marshal, shall presume to release any person committed to his charge, without proper authority for so doing; nor shall he suffer any person to escape on penalty of being punished for it by the sentence of a court-martial.

Prisoners to be reported daily.

ART. 19. Every officer, or provost-marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or soon as he shall be relieved from his guard, make report in writing, to the commander-in-chief, or commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for disobedience or neglect at the discretion of a court-martial.

Scandalous behaviour.

ART. 20. Whatever commissioned officer shall be convicted before a general court-martial, of behaving in a scandalous and infamous manner, such as is unbecoming an officer and a gentleman, shall be dismissed the service.

Suspension.

ART. 21. In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Officers cashiered for cowardice—sentence, to be published in newspapers, &c.

ART. 22. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, place of abode, and punishment of the

delinquent be published in the newspapers, in and about the camp, and of the particular state from which the offender came, or usually resides; after which it shall be deemed scandalous for any officer to associate with him.

Commanders of posts shall report the necessity for general courts-martial to commanders of departments,&c.

ART. 23. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court-martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment and the party accused, with the necessary witnesses, to be transported to the place where the said court shall be assembled.

Sentence of death—limitation of corporeal punishment.

ART. 24. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the aforegoing articles; nor shall more than one hundred lashes be inflicted on any offender at the discretion of a court-martial.

Proceedings of general courts-martial to be filed in war office.

Every judge-advocate, or person officiating as such, at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the secretary at war, which said original proceedings and sentence, shall be carefully kept and preserved in the office of the said secretary, to the end, that persons entitled thereto, may be enabled, upon application to the said office, to obtain copies thereof.

Party tried entitled to copy on demand.

The party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial after a decision on the sentence, upon demand thereof made by himself, or by any person or persons in his behalf, whether such sentence be approved or not.

Courts of inquiry—organization—rules of proceeding, and powers.

ART. 25. In such cases, where the general, or commanding officer may think proper to order a court of inquiry, to examine into the nature of any transaction, accusation or imputation against any officer or soldier, the said court shall be conducted conformably to the following regulations: It may consist of one or more officers, not exceeding three, with the judge-advocate, or a suitable person, as a recorder, to reduce the proceedings and evidences to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath; but they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in question.

Proceedings may be admitted as evidence by courts-martial, &c.—courts of inquiry prohibited unless demanded by the accused.

ART. 26. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer; and the said proceedings may be admitted as evidence, by a court-martial, in cases not capital or extending to the dismission of an officer; provided, that the circumstances are such that oral testimony cannot be obtained. But as courts of inquiry may be perverted

to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless demanded by the accused.

Oaths of members, judge-advocate and witnesses.

ART. 27. The judge-advocate, or the recorder, shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without favor or affection. So help you God."

After which the president shall administer to the judge-advocate, or recorder, the following oath:

"You A. B. do swear, that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidences to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as is directed to be administered to witnesses sworn before a court-martial.

Desertions to be immediately reported to the commanding officer present.

Resolved, That when any desertion shall happen from the troops of the United States, the officer commanding the regiment or corps to which the deserters belonged, shall be responsible, that an immediate report of the same be made to the commanding officer of the forces of the United States present.

Deserters to be vigorously pursued, advertised in newspapers, and reward of ten dollars offered for the apprehension of each.

Resolved, That the commanding officer of any of the forces in the service of the United States, shall, upon report made to him of any desertions in the troops under his orders, cause the most immediate and vigorous search to be made after the deserter or deserters, which may be conducted by a commissioned or non-commissioned officer, as the case shall require. That, if such search should prove ineffectual, the officer commanding the regiment or corps to which the deserter or deserters belonged, shall insert, in the nearest gazette or newspaper, an advertisement, descriptive of the deserter or deserters, and offering a reward, not exceeding ten dollars, for each deserter who shall be apprehended and secured in any of the gaols of the neighboring states. That the charges of advertising deserters, the reasonable extra expenses incurred by the person conducting the pursuit, and the reward, shall be paid by the secretary at war, on the certificate of the commanding officer of the troops.

CHAPTER 9.

In Congress—October 3, 1787.

WHEREAS the time for which the greater part of the troops on the frontiers are engaged, will expire in the course of the ensuing year,

Resolved, That the interest of the United States require that a corps of 700 troops should be stationed on the frontiers to protect the settlers on the public lands from the depredations of the Indians; to facilitate the surveying and selling of the said lands, in order to reduce the public debt, and to prevent all unwarrantable intrusions thereon. 700 troops shall be stationed on the frontiers.

Resolved, That in order to save the great expense of transporting new levies to the distant frontiers of the United States, and also to avail the public of the discipline and knowledge of the country, acquired by the troops on the frontiers, it is highly expedient to retain as many of them as shall voluntarily reengage in the service. Re-enlistment of those in service.

* *Resolved*, That 700 non-commissioned officers and privates be raised for the term of three years, unless sooner discharged, and that the same be furnished in the proportions herein specified, by the states which raised the troops agreeably to the requisitions of Congress, of April, 1785:† 700 troops shall be raised for 3 years.

Connecticut,	165,	New York,	165
New Jersey,	110,	Pennsylvania,	260

That the commissioned officers for the said troops be furnished by the said states, greeably to the present proportions. Organization.

That the organization of the said troops, together with the two companies of artillery raised by virtue of the resolves of Congress of the 20th of October, 1786, be according to the present establishment, to wit: one regiment of infantry of eight companies, each company four sergeants, four corporals, two musicians, and sixty privates; and one battalion of artillery, of four companies, each company four sergeants, four corporals, two musicians, and sixty privates.

That the secretary at war make the necessary arrangements, from time to time, to replace the men on the frontiers whose engagements shall expire.

That the said troops shall be governed by such rules and articles of war as are or shall be established by Congress, or a committee of the states.

That the pay and allowances of the said troops be the same as directed by the resolve of Congress of April 12, 1785.† Pay and allowances.

CHAPTER 10.

An act to establish an executive department, to be denominated the Department of War.‡

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assem-*

* The establishment provided for by these resolutions, was recognized and adopted by an act of Congress under the Constitution—see chapter 11, section 1.

† See chapter 7.

‡ Though this act has no direct bearing upon the military service, yet it was thought, that, as it indicates the relation in which the secretary of the war department stands to the army, it would not be out of place here.

Department of war established.

bled, That there shall be an executive department, to be denominated the department of war; and that there shall be a

Secretary thereof.

principal officer therein, to be called the secretary for the department of war, who shall perform and execute such duties as shall, from time to time, be enjoined on, or entrusted to, him, by the President of the United States, agreeable to the constitution, relative to military commissions, or to the land or naval forces,* ships, or warlike stores, of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs: And furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States, shall, from time to time, order or instruct.

Duties of the secretary of war to include naval and military affairs.

Secretary subject to the President's instructions.

Chief clerk of the department of war.

His duties.

SEC. 2. *And be it further enacted*, That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the United States or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books, and papers, appertaining to the said department.

Oath of office of the secretary of war and his clerks.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation *well and faithfully to execute the trust committed to him.*

Secretary to take charge of papers, &c. of the former war department.

SEC. 4. *And be it further enacted*, That the secretary for the department of war, to be appointed in consequence of this act, shall, forthwith after his appointment, be entitled to have the custody and charge of all records, books, and papers, in the office of secretary for the department of war, heretofore established by the United States in Congress assembled.

[*Approved, August 7*, 1789.]

CHAPTER 11.

An act to recognise and adapt to the constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress as-*

*So much of this act as vests in the secretary of war, the administration of naval concerns, is repealed by an act of 30th of April, 1798, establishing the navy department.

†Repealed by act of the 30th of April, 1790—see chap. 12, sec. 14.

sembled, That the establishment contained in the resolve of the late Congress, of the third day of October, one thousand seven hundred and eighty-seven,* except as to the mode of appointing the officers, and also as is hereinafter provided, be, and the same is hereby recognized to be the establishment for the troops in the service of the United States.

Establishment of 3d Oct. 1787, recognized, &c.

SEC. 2. *And be it further enacted*, That the pay and allowances of the said troops, be the same as have been established by the United States in Congress assembled, by their resolution of the twelfth of April, one thousand seven hundred and eighty-five.†

Pay and allowances of troops recognized.

SEC. 3. *And be it further enacted*, That all commissioned and non-commissioned officers, and privates, who are, or shall be, in the service of the United States, shall take the following oaths or affirmations, to wit: "I, A. B. do solemnly swear or affirm, (as the case may be) that I will support the constitution of the United States." "I, A. B. dosolemnly swear or affirm, (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against all their enemies or opposers whatsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me."

Officers and privates to take oaths.

Forms of the oaths.

SEC. 4. *And be it further enacted*, That the said troops shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled,‡ or by such rules and articles of war as may hereafter by law be established.

Troops to be governed by established rules and articles of war, &c.

SEC. 5. *And be it further enacted*, That, for the purpose of protecting the inhabitants of the frontiers of the United States from the hostile incursions of the Indians, the President is hereby authorized to call into service, from time to time, such part of the militia of the states, respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence, while in service, be the same as the pay and subsistence of the troops abovementioned.

President may call out militia to protect against Indians, &c.

Pay, &c. of militia in service.

SEC. 6. *And be it further enacted*, That this act shall continue, and be in force, until the end of the next session of Congress, and no longer.

Limitation of this act.

[*Approved, September* 29, 1789.]

CHAPTER 12.

An act for regulating the Military Establishment of the United States.§

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress as-*

*See chapter 9.
†See chapter 7.
‡See chapter 2, with supplements 3, 4, 6, and 8.
§Repealed and supplied by act of 3d of March, 1795; which recognized and continued the then existing establishment—see chapter 24.

1,216 non-commissioned officers, privates, &c. for three years.

sembled, That the commissioned officers hereinafter mentioned, and the number of one thousand two hundred and sixteen non-commissioned officers, privates, and musicians, shall be raised for the service of the United States, for the period of three years, unless they should previously by law be discharged.

Height and age.

5 feet 6 inches.

SEC. 2. *And be it further enacted*, That the non-commissioned officers and privates aforesaid, shall, at the time of their enlistments, respectively, be able bodied men, not under five feet six inches in height, without shoes; nor under the age of eighteen, nor above the age of forty-six years.

One regiment of infantry, and a battalion of artillery.

Composition of the regiment of infantry.

SEC. 3. *And be it further enacted*, That the commissioned officers hereinafter mentioned, and the said non-commissioned officers, privates, and musicians, shall be formed into one regiment of infantry, to consist of three battalions, and one battalion of artillery. The regiment of infantry to be composed of one lieutenant-colonel commandant, three majors, three adjutants, three quartermasters, one paymaster, one surgeon, two surgeon's mates, and twelve companies, each of which shall consist of one captain, one lieutenant, one ensign, four sergeants, four corporals, sixty-six privates, and two musicians.

Composition of the battalion of artillery.

The battalion of artillery shall be composed of one major commandant, one adjutant, one quartermaster, one paymaster, one surgeon's mate, and four companies; each of which shall consist of one captain, two lieutenants, four sergeants, four corporals, sixty-six privates, and two musicians: *Provided always*, That the adjutants, quartermasters, and paymasters, shall be appointed from the line, of subalterns of the aforesaid corps, respectively.

Proviso as to appointments from the line.

Inspectors: their duty, &c.

SEC. 4. *And be it further enacted*, That the President of the United States may, from time to time, appoint one or two inspectors, as to him shall seem meet, to inspect the said troops, who shall also muster the same, and each of whom shall receive the like pay and subsistence as a captain, and be allowed ten dollars per month for forage.

Pay of the troops.

SEC. 5. *And be it further enacted*, That the troops aforesaid shall receive for their services the following enumerated monthly rates of pay: Lieutenant-colonel commandant, sixty dollars; major commandant of artillery, forty-five dollars; majors, forty dollars; captains, thirty dollars; lieutenants, twenty-two dollars; ensigns, eighteen dollars; surgeons, thirty dollars; surgeon's mates, twenty-four dollars; sergeants, five dollars; corporals, four dollars; privates, three dollars; senior musicians in each battalion of infantry, and in the battalion of artillery, five dollars; musicians, three dollars: *Provided always*, That the sums hereinafter specified, shall be deducted from the pay of the non-commissioned officers, privates, and musicians, stipulated as aforesaid, for the purposes of forming a fund for clothing and hospital stores: From the monthly pay of each sergeant and senior musician, there shall be deducted, for uniform clothing, the sum of one dollar and forty cents, and the farther sum of ten cents for hospital stores; and from the monthly pay of each corporal, for uniform clothing, one dollar and fifteen cents, and

Proviso; as to deductions for clothing and hospital stores.

the farther sum of ten cents for hospital stores; and from the monthly pay of each private and musician, for uniform clothing, the sum of ninety cents, and the further sum of ten cents for hospital stores.

Additional pay of subalterns acting as adjutants, &c.

SEC. 6. *And be it further enacted*, That the subalterns who may be appointed to act as adjutants, shall each receive for the same, in addition to their regimental pay, ten dollars per month; and quarter and paymasters, so appointed, each five dollars per month.

Rations of commissioned officers.

Money for rations.

SEC. 7. *And be it further enacted*, That the commissioned officers aforesaid shall receive, for their daily subsistence, the following number of rations of provisions, to wit: Lieutenant-colonel commandant, six; a major, four; a captain, three; a lieutenant, two; an ensign, two; a surgeon, three; a surgeon's mate, two; or money in lieu thereof, at the option of the said officers, at the contract price at the posts, respectively, where the rations shall become due.

Money instead of forage.

SEC. 8. *And be it further enacted*, That the commissioned officers hereinafter described, shall receive, monthly, the following enumerated sums, instead of forage: Lieutenant-colonels commandant, twelve dollars; major commandant of artillery, majors, and surgeon, each ten dollars; surgeon's mates, each, six dollars.

Uniform clothing for non-commisssioned officers, privates, &c.

SEC. 9. *And be it further enacted*, That every non-commissioned officer, private, and musician, aforesaid, shall receive annually, the following articles of uniform clothing: One hat, or helmet, one coat, one vest, two pair of woollen and linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles.

Rations for non-commissioned officers, privates, &c.

Or the value thereof.

SEC. 10. *And be it further enacted*, That every non-commissioned officer, private and musician, aforesaid, shall receive, daily, the following rations of provisions, or the value thereof: One pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy or whiskey, or the value thereof, at the contract price where the same shall become due, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

Pensions to invalids.

Proviso; as to amount of pension.

SEC. 11. *And be it further enacted*, That if any commissioned officer, non-commissioned officer, private, or musician, aforesaid, shall be wounded or disabled, while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations as shall be directed by the President of the United States, for the time being: *Provided always*, That the rate of compensation for such wounds or disabilities, shall never exceed, for the highest disability, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed five dollars per month: *And provided also*, That all inferior

Proviso; as to

inferior disabilities. disabilities shall entitle the person so disabled, to receive only a sum in proportion to the highest disability.

Officers, privates, &c. to take an oath. SEC. 12. *And be it further enacted*, That every commissioned officer, non-commissioned officer, private and musician, aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear or affirm, (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against all their enemies or opposers, whomsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me, according to the articles of war."

Form of the oath.

Troops to be governed by the rules and articles of war, &c. SEC. 13. *And be it further enacted*, That the commissioned officers, non-commissioned officers, privates and musicians, aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, as far as the same may be applicable to the constitution of the United States,* or by such rules and articles as may hereafter by law be established.

Act of the 29th Sept. 1789, repealed. SEC. 14. *And be it further enacted*, That the "act for recognizing, and adapting to the constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned,"† passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, be, and the same is, hereby repealed: *Provided always*, That the non-commissioned officers and privates, continued and engaged under the aforesaid act of the twenty-ninth day of September, one thousand seven hundred and eighty-nine, and who shall decline to re-enlist under the establishment made by this act, shall be discharged whenever the President of the United States shall direct the same: *Provided further*, That the whole number of non-commissioned officers, privates and musicians, in the service of the United States at any one time, either by virtue of this act, or by virtue of the aforesaid act, passed the 29th day of September, one thousand seven hundred and eighty-nine, shall not exceed the number of one thousand two hundred and sixteen.

Non commissioned officers and privates, declining to re-enlist, may be discharged, &c.

Proviso; the whole number of troops not to exceed 1,216.

President may call militia, in aid of the regular troops, &c. SEC. 15. *And be it further enacted*, That for the purpose of aiding the troops now in service, or to be raised by this act, in protecting the inhabitants of the frontiers of the United States, the President is hereby authorized to call into service, from time to time, such part of the militia of the states, respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence, while in service, be the same as the pay and subsistence of the troops abovementioned, and they shall be subject to the rules and articles of war. [*Approved, April* 30, 1790.]

* See chapter 2, with its supplements, 3, 4, 6, and 8.
† See chapter 11.

CHAPTER 13.

An act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers.*

An additional regiment of 912 men.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there shall be raised an additional regiment of infantry, which, exclusive of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians.

Organization of the regiment.

SEC. 2. *And be it further enacted*, That the said regiment shall be organized in the same manner as the regiment of infantry described in the act, entitled "An act for regulating the military establishment of the United States.†

Pay, allowances, regulations, term of service, &c.

SEC. 3. *And be it further enacted*, That the troops aforesaid, by this act to be raised, including the officers, shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects, excepting the bounty hereinafter mentioned, as are stipulated for the troops of the United States, in the beforementioned act.

Bounty for enlistment.

SEC. 4. *And be it further enacted*, That each non-commissioned officer, private, and musician, who has enlisted, or shall enlist, pursuant to the act aforesaid, or who shall enlist pursuant to this act, shall be entitled to receive six dollars as a bounty.

Officers to be appointed at the President's discretion.

SEC. 5. *And be it further enacted*, That in case the President of the United States should deem the employment of a major-general, brigadier-general, a quartermaster, and chaplain, or either of them, essential to the public interest, that he be, and he hereby is, empowered, by and with the advice and consent of the Senate, to appoint the same accordingly. And a major-general so appointed, may choose his aid-de-camp, and a brigadier general his brigade-major, from the captains, or subalterns, of the line: *Provided always*, That the major-general, and brigadier-general, so to be appointed, shall, respectively, continue in pay during such term only, as the President of the United States, in his discretion, shall deem it requisite for the public service.

Aids-de-camp, brigade majors, &c.

Proviso; as to term of pay of major and brigadier-generals.

Pay and allowances:

to major-general:

to brigadier-general:

SEC. 6. *And be it further enacted*, That in case a major-general, brigadier-general, quartermaster, aid-de-camp, brigade-major, and chaplain, should be appointed, their pay and allowances shall be, respectively, as hereinmentioned: the major-general shall be entitled to one hundred and twenty-five dollars, monthly pay, twenty dollars allowance for forage, monthly, and for daily subsistence fifteen rations, or money in lieu thereof, at the contract price. The brigadier-general shall

* Repealed and supplied by act of 3d March, 1795—see chapter 24.
† See chapter 12, section 3.

be entitled to ninety-four dollars, monthly pay, with sixteen dollars allowance for forage, monthly, and for daily subsistence twelve rations, or money in lieu thereof, at the contract price. That the quartermaster shall be entitled to the same pay, rations, and forage, as the lieutenant-colonel commandant of a regiment. That the aid-de-camp be entitled, including all allowances, to the same pay, rations, and forage, as a major of a regiment. That the brigade-major be entitled, including all allowances, to the same pay, rations, and forage, as a major of a regiment. That the chaplain be entitled to fifty dollars per month, including pay, rations, and forage.

to quartermaster:

to aid-de-camp:

to brigade-major:

to chaplain.

President may employ militia, cavalry, &c.

Sec. 7. *And be it further enacted*, That if, in the opinion of the President, it shall be conducive to the good of the service, to engage a body of militia to serve as cavalry, they furnishing their own horses, arms, and provisions, it shall be lawful for him to offer such allowances, to encourage their engaging in the service, for such time, and on such terms, as he shall deem it expedient to prescribe.

President may employ levies in addition, or in place of militia &c. for a term not exceeding six months.

Sec 8. *And be it further enacted*. That if the President should be of opinion that it will be conducive to the public service, to employ troops enlisted under the denomination of levies, in addition to, or in place of, the militia which, in virtue of the powers vested in him by law, he is authorized to call into the service of the United States, it shall be lawful for him to raise, for a term not exceeding six months, (to be discharged sooner, if the public service will permit,) a corps, not exceeding two thousand non-commissioned officers, privates, and musicians, with a suitable number of commissioned officers. And in case it shall appear probable to the President, that the regiment directed to be raised by the aforesaid act, and by this act, will not be completed in time to prosecute such military operations as exigencies may require, it shall be lawful for the President to make a substitute for the deficiency, by raising such farther number of levies, or by calling into the service of the United States, such a body of militia as shall be equal thereto.

In case the regiment authorized cannot be completed in time, the President may supply the deficiency by levies and militia.

Organization and commissioned officers of levies.

Sec. 9. *And be it further enacted*, That the President be, and he hereby is, empowered to organize the said levies, and alone to appoint the commissioned officers thereof, in the manner he may judge proper.

Militia and levies subject to the rules and articles of war, &c.

Sec. 10. *And be it further enacted*, That the commissioned and non-commissioned officers, privates, and musicians, of the militia, or said corps of levies, shall, during the time of their service, be subject to the rules and articles of war; and they shall be entitled to the same pay, rations, and forage, and in case of wounds or disability in the line of their duty, to the same compensation as the troops of the United States.

Levies entitled to proportional quantity of clothing, &c.

Sec. 11. *And be it further enacted*, That the non-commissioned officers, privates, and musicians, of the said corps of levies, shall be entitled to receive such proportional quantity of clothing, as their time of service shall bear to the annual allowance of clothing to the troops of the United States, subject, however, to a proportional deduction from their pay.

SEC. 12. *And be it further enacted*, That each of the non-commissioned officers, privates, and musicians, of the said levies, shall be entitled to receive three dollars as a bounty. 3 dollars bounty to each of the levies.

SEC. 13. *And be further enacted*, That in case the nature of the service, upon which the troops of the United States may be employed, should require a greater number of surgeon's mates than are provided for in the beforementioned act, the President of the United States may engage, from time to time, such additional number of surgeon's mates as he shall judge necessary. President may engage an additional number of surgeon's mates.

SEC. 14. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit men for the said regiments, shall be entitled to receive, for every recruit who shall be duly enlisted and mustered, the sum of two dollars. Two dollars allowed for every recruit.

SEC. 15. *And be it further enacted*, That for defraying the expense, for one year, of the additional regiment to be raised by virtue of this act; for defraying the expense, for a like term, of the officers mentioned in the seventh section of this act; for defraying the expense of the said militia horse, militia foot, and levies, which may be called into, or engaged for, the service of the United States, pursuant to this act; for defraying the expense of such surgeon's mates as may be appointed pursuant to the fifteenth section of this act; for defraying the expense of recruiting the said two regiments; and for defraying the expense of any military posts which the President shall judge expedient and proper to establish; there be, and hereby is, appropriated, a sum, not exceeding three hundred and twelve thousand six hundred and eighty-six dollars and twenty cents, to be paid out of the moneys which, prior to the first day of January next, shall arise from the duties imposed upon spirits distilled within the United States, and from stills, by the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;" together with the excess of duties which may arise from the duties imposed by the said act on imported spirits, beyond those which would have arisen by the act, entitled "An act making further provision for the payment of the debts of the United States." Appropriation for expenses to be incurred by this act. Not exceeding 312,686 dolls. 20 cents. Fund.

And to the end that the public service may not be impeded for want of necessary means:

SEC. 16. *Be it further enacted*, That it shall be lawful for the President to take on loan, the whole sum by this act appropriated, or so much thereof as he may judge requisite, at an interest not exceeding six per centum per annum; and the fund established for the abovementioned appropriation, is hereby pledged for the repayment of the principal and interest of any loan to be obtained in manner aforesaid; and in case of any deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency. President may borrow the sum appropriated, at an interest not exceeding six per cent. Pledge of fund. And of public faith.

[*Approved, March* 3, 1791.]

CHAPTER 14.

An act for making farther and more effectual provision for the protection of the frontiers of the United States.*

The battalion of artillery, and two regiments of infantry, to be completed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the battalion of artillery now in service, be completed according to the establishment, and that the two regiments of infantry now in service, be completed to the number of nine hundred and sixty non-commissioned officers, privates, and musicians each.

Three additional regiments to be raised, for three years, &c. Each to consist of 900, &c.

SEC. 2. *And be it further enacted*, That there shall be raised, for a term not exceeding three years, three additional regiments, each of which, exclusively of the commissioned officers, shall consist of nine hundred and sixty non-commissioned officers, privates, and musicians; and that one of the said regiments be organized in the following manner, that is to say: two battalions of infantry, each of which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians; and one squadron of light dragoons, which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians; and that it shall be a condition in the enlistment of the said dragoons, to serve as dismounted dragoons, whenever they shall be ordered thereto: That the organization of the said squadron of light dragoons shall be as follows, to wit: one major, one adjutant, one quartermaster, one surgeon's mate, and four troops, each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-nine dragoons; and the President may arm the said troops, as he shall think proper.

One to be organized as mentioned.

A squadron of light dragoons, &c.

Dragoons to serve dismounted.

Organization of the squadron of light dragoons.

President may arm dragoons, &c.

President may organize the troop as he may judge expedient, &c.

SEC. 3. *Provided always, and be it further enacted*, That it shall be lawful for the President of the United States to organize the said five regiments of infantry, and the said corps of horse and artillery, as he shall judge expedient, diminishing the number of corps, or taking from one corps and adding to another, as shall appear to him proper, so that the whole number of officers and men shall not exceed the limits above prescribed: *Provided*, That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.

Three regiments to be discharged on peace with the Indians.

Term of enlistment three years, unless sooner discharged.

SEC. 4. *And be it further enacted*, That the non-commissioned officers, privates, and musicians of the said three regiments, shall be enlisted for the term of three years, unless previously discharged.

8 dolls. bounty.

SEC. 5. *And be it further enacted*, That every recruit who shall be enlisted by virtue of this act, shall receive eight dollars bounty, and that the same shall be made up to the non-commis-

The same boun-

* Repealed and supplied by act of 3d March, 1795—see chap. 24.

sioned officers, privates, and musicians, now in service, who have enlisted for three years, since the passing of the act, entitled "An act for regulating the military establishment of the United States."*

Bounty to those already enlisted.

SEC. 6. *And be it further enacted*, That the commissioned officers who shall be employed to recruit for the establishment, shall be entitled to receive for every recruit, duly enlisted and mustered, two dollars.

Allowance to recruiting officers, &c.

SEC. 7. *And be it further enacted*, That the monthly pay of the commissioned officers, non-commissioned officers, privates, and musicians, on the military establishment of the United States, and of the three regiments authorized by this act, shall be, in future, as follows, free of all deductions, to wit: *General Staff:* a major-general, one hundred and sixty-six dollars. A brigadier-general, one hundred and four dollars. Quartermaster, one hundred dollars. Adjutant, to do also the duty of inspector, seventy-five dollars. Chaplain, fifty dollars. Surgeon, seventy dollars. Deputy quartermaster, fifty dollars. Aid-de-camp, in addition to his pay in the line, twenty-four dollars. Brigade-major, to act also as deputy-inspector, in addition to his pay in the line, twenty-four dollars. Principal artificer, forty dollars. Second artificer, twenty-six dollars. *Regimental:* Lieutenant-colonel commandant, seventy-five dollars. Major-commandant of artillery, and major of dragoons, fifty-five dollars. Paymaster, in addition to his pay in the line, ten dollars. Quartermaster, in addition to his pay in the line, eight dollars. Adjutant, in addition to his pay in the line, ten dollars. Majors of infantry, fifty dollars. Captains, forty dollars. Lieutenants, twenty-six dollars. Ensigns and cornets, twenty dollars. Surgeons, forty-five dollars. Mates, thirty dollars. Sergeant-majors and quartermaster sergeants, seven dollars. Senior musicians, six dollars. Sergeants, six dollars. Corporals, five dollars. Privates, three dollars. Musicians, four dollars. Artificers allowed to the infantry, light dragoons, and artillery, and included as privates, eight dollars. Matrons and nurses in the hospital, eight dollars.

Monthly pay of the officers and privates.

SEC. 8. *And be it further enacted*, That the rations, or money in lieu thereof, for the commissioned, non-commissioned officers, privates, and musicians, of the additional troops hereinmentioned, shall be the same as described in the aforesaid act, entitled, "An act for regulating the military establishment of the United States,"† and in the act passed in the third session of the first congress, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers."‡

Rations for officers and privates, &c.

SEC. 9. *And be it further enacted*, That the forage, to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.

Forage to additional regiments.

* See chap. 12. † See chapter 12. ‡ See chapter 13.

Clothing for the infantry as by law established.

Clothing to be provided for the cavalry, &c.

SEC. 10. *And be it further enacted*, That the allowance of clothing, for non-commissioned officers and privates of the infantry of the said three regiments, shall be the same as is by law established: that suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed as near as may be, to the value of the clothing allowed to the infantry and artillery.

Oaths, regulations, and compensations, according to the act mentioned.

SEC. 11. *And be it further enacted*, That all the commissioned and non-commissioned officers, privates, and musicians, of the said three regiments, shall take the same oaths, shall be governed by the same rules and regulations, and, in cases of disabilities, shall receive the same compensations as are described in the beforementioned act, entitled "An act for regulating the military establishment of the United States."*

President may forbear to raise, &c. any part, or the whole, of the three regiments, &c.

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States to forbear to raise, or to discharge after they shall be raised, the whole, or any part, of the said three additional regiments, in case events shall, in his judgment, render his so doing consistent with the public safety.

President may, from time to time, call cavalry into service, &c.

Pay of cavalry; finding horses, &c. pay in lieu of rations, &c.

SEC. 13. *And be it further enacted*, That the President be, and he hereby is, authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: *Provided*, That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day, each person finding his horse, arms, and accoutrements, and at his own risk, and twenty-five cents per day in lieu of rations and forage: Provided he furnish himself therewith.

President alone to appoint commissioned officers; number, rank, pay, &c.

SEC. 14. *And be it further enacted*, That the President alone be, and he hereby is, authorized to appoint, for the cavalry so to be engaged, the proper commissioned officers, who shall not exceed, in number and rank, the proportions assigned to the said three regiments, and whose pay and other allowances shall not, exclusively of fifty cents per day for the use and risk of their horses, exceed those of officers of corresponding rank, in the said regiments.

President may employ Indians, &c.

Proviso: compensations to Indians not to exceed 20,000 dolls.

SEC. 15. *And be it further enacted*, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indians, and for such compensations, as he may think proper: *Provided*, The said compensations do not, in the whole, exceed twenty thousand dollars.

[*Approved, March* 5, 1792.]

* See chapter 12.

CHAPTER 15.

An act supplemental to the act for making farther and more effectual provision for the protection of the frontiers of the United States.*

The president may appoint four brigadier generals.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the President of the United States, by and with the advice and consent of the senate, to appoint such number of brigadier-generals as may be conducive to the good of the public service. Provided the whole number appointed, or to be appointed, shall not exceed four.

[*Approved, March* 28, 1792.]

CHAPTER 16.

An act making alterations in the Treasury and War Departments.

[EXTRACT.]

A paymaster to reside near headquarters. His duties; bond; oath, &c.

SEC. 3. *And be it further enacted*, That there be a paymaster, to reside near the head quarters of the troops of the United States. That it shall be the duty of the said paymaster, to receive, from the treasurer, all the moneys which shall be entrusted to him for the purpose of paying the pay, the arrears of pay, subsistence, or forage, due to the troops of the United States. That he shall receive the pay abstracts of the paymasters of the several regiments or corps, and compare the same with the returns or muster rolls which shall accompany the said pay abstracts. That he shall certify, accurately, to the commanding officer, the sums due to the respective corps, which shall have been examined as aforesaid, who shall thereon issue his warrant on the said deputy paymaster, for the payment accordingly. That copies of all reports to the commanding officer, and the warrants thereon, shall be duly transmitted to the office of the accountant of the war department, in order to be there examined, and finally adjusted at the treasury. That the said paymaster shall give bond in the sum of twenty thousand dollars, with two sufficient sureties, for the faithful discharge of his duty, and he shall take an oath *faithfully to execute the duties of his office.* That the compensation to the said paymaster shall be sixty dollars monthly, with the same rations and forage as a major.†

Assignment of pay, invalid, &c.

SEC. 4. *And be it further enacted*, That no assignment of pay, made after the first day of June next, by a non-commissioned officer or private, shall be valid.

* The act of 3d March, 1795, chap. 24, recognized and continued the then existing establishment, without enumerating officers. The provisions of this act appear therefore to have been in force till superseded by act of 30th May, 1796, chap. 26.

† See chap. 43, sec. 15, and chap. 45, sec. 1; also act of 16th March, 1802, chap. 49, sec. 3.

Contracts for supplying the army, &c.

SEC. 5. *And be it further enacted*, That all purchases and contracts, for supplying the army with provisions, clothing, supplies in the quartermaster's department, military stores, Indian goods, and all other supplies, or articles for the use of the department of war, be made by, or under, the direction of the treasury department.*

[*Approved, May* 8, 1792.]

CHAPTER 17.

An act making an alteration in the flag of the United States.†

After the 1st of May, 1795, the flag of the United States to consist of 15 stripes, &c. 15 stars, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the first day of May, anno domini one thousand seven hundred and ninety-five, the flag of the United States be fifteen stripes, alternate red and white. That the Union be fifteen stars, white in a blue field.

[*Approved, January* 13, 1794.]

CHAPTER 18.

An act to provide for the defence of certain ports and harbors in the United States.

The harbors mentioned to be fortified under the direction of the president, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the following ports and harbors be fortified, under the direction of the President of the United States, and at such time or times as he may judge necessary, to wit: Portland, in the district of Maine; Portsmouth, in the state of New Hampshire; Gloucester, Salem, Marblehead, and Boston, in the state of Massachusetts; Newport, in the state of Rhode Island; New-London, in the state of Connecticut; New York; Philadelphia; Wilmington, in the State of Delaware; Baltimore, in the state of Maryland; Norfolk and Alexandria, in the state of Virginia; Cape Fear river, and Ocracock Inlet, in the state of North Carolina; Charleston and Georgetown, in the state of South Carolina; and Savannah, and Saint Mary's, in the state of Georgia.

The President may employ the troops of the United States as garrisons, &c.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to employ, as garrisons, in the said fortifications, or any of them, such of the troops on the military establishment of the United States as he may

* Modified by act of 16th July, 1798—See chap. 38, sec. 3.
† Altered and established by act of April 4, 1818—See chapter 108.

judge necessary; and to cause to be provided one hundred cannon, of a calibre, each, to carry a ball of thirty-two pounds weight, and one hundred other cannon, of a calibre, each, to carry a ball of twenty-four pounds weight, together with the carriages and implements necessary for the same, and carriages with the necessary implements for one hundred and fifty other cannon, with two hundred and fifty tons of cannon shot. Cause cannon, shot, &c., to be provided, &c,

SEC. 3. *And be it further enacted*, That it shall be lawful for the President of the United States to receive from any state (in behalf of the United States) a cession of the lands on which any of the fortifications aforesaid, with the necessary buildings, may be erected, or intended to be erected; or, where such cessions shall not be made, to purchase such lands, on behalf of the United States: *Provided*, That no purchase shall be made where such lands are the property of a state.* The President to receive cessions of, or to purchase lands, &c.

[*Approved*, *March* 20, 1794.]

CHAPTER 19.

An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, for the safe keeping of the military stores, there shall be established, under the direction of the President of the United States, three or four arsenals, with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States. Either, or both, of the arsenals heretofore used at Springfield and Carlisle, to be continued as part of the said number, at his discretion: *Provided*, That none of the said arsenals be erected, until purchases of the land, necessary for their accommodation, be made, with the consent of the legislature of the state in which the same is intended to be erected. Three or four arsenals, with magazines, to be established, under the direction of the President, &c. Proviso: arsenals not to be erected until the land is purchased, &c.

SEC. 2. *And be it further enacted*, That there shall be established, at each of the aforesaid arsenals, a national armory, in which shall be employed one superintendent, and one master armorer, (who shall be appointed by the President of the United States,) and as many workmen as the secretary for the department of war shall, from time to time, deem necessary, so that the whole number, at all the armories, shall not exceed one hundred.‡ And the said superintendents shall, each, receive, as a compensation, seventy dollars per month, and the said master armorer, each, fifty dollars per month.‖ A national armory at each of the arsenals, &c. Compensation to superintendents and master armorers, &c.

* See the constitution, article 1, section 8, clause 16.

† See chapter 32, making further provisions for procuring arms, &c., also chapters 47 and 59.

‡ See act of 23d April, 1808, chapter 59.

‖ See act of 7th of May, 1800, chap. 47, sec. 1.

An officer to superintend the receiving, &c. of military stores, &c.

SEC. 3. *And be it further enacted*, That there shall be employed an officer, whose duty it shall be, (under the direction of the department of war,) to superintend the receiving, safe keeping, and distribution, of the military stores of the United States, and to call to account all persons to whom the same may be intrusted; he shall receive, for his compensation, at the rate of one hundred and twenty-five dollars per month, and shall be appointed by the President of the United States.

His compensation; and to be appointed by the President.

Not exceeding 59,000 dolls. appropriated for erecting and repairing arsenals, &c. and not exceeding 22,865 dolls. for armories, &c.

SEC. 4. *And be it further enacted*, That a sum not exceeding fifty-nine thousand dollars, be appropriated for the erecting and repairing of the arsenals and magazines aforesaid; and a sum, not exceeding twenty-two thousand eight hundred and sixty-five dollars, for defraying the expenses of the national armories, for one year; and the further sum of three hundred and forty thousand dollars, to be applied, under the direction of the President of the United States, in the purchase of arms, ammunition, and military stores; which said several sums shall be paid out of the duties on imports and tonnage, to the end of the present year.

340,000 dolls. to be applied, under the President's direction, in the purchase of arms, &c.

Annual account of expenses of armories, &c., to be laid before Congress.

SEC. 5. *And be it further enacted*, That an annual account of the expenses of the national armories be laid before the legislature of the United States, together with an account of the arms made and repaired therein.

[*Approved, April* 2, 1794.]

CHAPTER 20.

An act for raising and organizing a Corps of Artillerists and Engineers.*

764 non-commissioned officers, privates, &c., to be raised for three years, &c. Commissioned officers to be appointed, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the number of seven hundred and sixty-four non-commissioned officers, privates, and artificers, to serve as privates, and musicians, shall be engaged for the term of three years, by voluntary enlistments; and that the proper proportion of commissioned officers shall be appointed to command the same.

To be incorporated with the corps of artillery, &c.

Entire number of the corps of artillerists and engineers to be 992, exclusively, &c.

SEC. 2. *And be it further enacted*, That the aforesaid commissioned and non-commissioned officers, privates, artificers, and musicians, shall be incorporated with the corps of artillery now in the service of the United States, and denominated the corps of artillerists and engineers; and that the entire number of the said corps, exclusively of the commissioned officers, shall be nine hundred and ninety-two.

Organization of the corps, as mentioned.

SEC. 3. *And be it further enacted*, That the organization of the said corps be as hereinmentioned, to wit: one lieutenant-

* Continued by acts of 3d March, 1795, chap. 24, and 30th May, 1796, chap. 26. An additional regiment provided by act of 27th April, 1798, chap. 30. Repealed and supplied by act of 16th March, 1802, chap. 49, sections 1, 2, 26, 27, 28 and 29.

colonel commandant, one adjutant, one surgeon; four battalions, each to consist of one major, one adjutant and paymaster, and one surgeon's mate; and four companies, each to consist of one captain, two lieutenants, two cadets, with the pay, clothing, and rations of a sergeant, four sergeants, four corporals, forty-two privates, sappers, and miners, and ten artificers to serve as privates, and two musicians.

Officers and privates to receive the same pay, &c. as other troops, to be governed by the same rules, &c.

SEC. 4. *And be it further enacted*, That the additional commissioned officers, non-commissioned officers, privates, artificers, and musicians, by this act directed to be raised, shall receive the same pay and allowances, in all respects, as the troops already in the service of the United States; and they shall also be governed by the same rules and articles of war, which have been, or may be, by law established.

The secretary of war to provide books, apparatus, &c.

SEC. 5. *And be it further enacted*, That it shall be the duty of the secretary of war to provide, at the public expense, under such regulations as shall be directed by the President of the United States, the necessary books, instruments, and apparatus, for the use and benefit of the said corps.

The President to cause portions of the corps to serve as he may deem consistent, &c.

SEC. 6. *And be it further enacted*, That the President of the United States shall cause such proportions of the said corps to serve in the field, on the frontiers, or in the fortifications on the sea coast, as he shall deem consistent with the public service.

[*Approved*, *May* 9, 1794.]

CHAPTER 21.

An act supplementary to "An act to provide for the defence of certain ports and harbors in the United States."

The port and harbor of Annapolis, to be fortified, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the port and harbor of the city of Annapolis be fortified, in such manner, and at such time or times, as the President of the United States may direct; and that it shall be lawful for the President of the United States to employ a garrison in the said fortification, provide cannon and equipments, and receive, from the state of Maryland, a cession of the lands on which the said fortification, and its necessary buildings, may be erected, agreeably to the second and third sections of the act to which this is a supplement.*

The President may employ a garrison at Annapolis, &c. receive a cession of lands, &c.

[*Approved*, *May* 9, 1794.]

* See original act, chapter 18.

CHAPTER 22.

An act in addition to the "Act for making further and more effectual provision for the protection of the frontiers of the United States."*

Half pay for five years to the widows or orphans of commissioned officers dying in the service from wounds, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That if any commissioned officer in the troops of the United States shall, while in the service of the United States, die, by reason of wounds received in actual service of the United States, and shall leave a widow, or if no widow, shall leave a child or children, under age, such widow, or if no widow, such child or children, shall be entitled to, and receive, the half of the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years: and in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer, while under the age of sixteen years, and, in like manner, the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, That no greater sum shall be allowed, in any case, to the widow or to the child or children, of any officer, than the half pay of a lieutenant-colonel.

Proviso; no greater allowance, in any case, than the half pay of lieutenant-colonel.

Arrears of the army not to exceed 2 months.

SEC. 2. *And be it further enacted*, That the army be in future paid in such manner that the arrears shall at no time exceed two months.

The President may augment the rations of troops on the frontiers, under special circumstances, &c.

SEC. 3. *And be it further enacted*, That to such of the troops as are, or may be, employed on the frontiers, and under such special circumstances as, in the opinion of the President of the United States, may require an augmentation of some parts of their rations, the President be authorized to direct such augmentation as he may judge necessary, not exceeding four ounces of beef, two ounces of flour, and half a gill of rum, or whiskey, in addition to each ration, and half a pint of salt to one hundred rations. [*Approved, June 7*, 1794.]

CHAPTER 23.

An act to establish the office of Purveyor of Public Supplies.†

A purveyor of public supplies, in the depart-

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress as-*

* The 1st and 2d sections of this act were superseded and supplied by act of 16th March, 1802—see chap. 49, sections 13 and 15. The 3d was continued with some modification by acts of 3d March, 1795, and 30th May, 1796, chap. 24, sec. 9, and chap. 26, sec. 11, but formally repealed by act of 3d March, 1797—see chap. 27, sec. 1.

† The office of Purveyor abolished by act of March 28th, 1812—See chap. 68, sec. 9.

sembled, That there shall be, in the department of the treasury, an officer, to be denominated "Purveyor of Public Supplies," whose duty shall be, under the direction and supervision of the secretary of the treasury,* to conduct the procuring and providing of all arms, military and naval stores, provisions, clothing, Indian goods, and generally, all articles of supply requisite for the service of the United States, and whose compensation shall be, a salary of two thousand dollars per annum. And all letters to and from the said officer shall be received and conveyed by post free of postage.

ment of the treasury, &c.

His duty, to conduct the procuring of arms, &c.

His salary 2,000 dollars per ann. His letters free of postage.

SEC. 2. *And be it further enacted*, That the said officer shall not, directly or indirectly, be concerned, or interested, in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel, or purchase, by himself or another in trust for him, public lands, or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the United States, or take, or apply, to his own use, any emolument or gain, for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if he shall offend against any of the prohibitions of this act, he shall, upon conviction, forfeit, to the United States, the penalty of three thousand dollars, and may be imprisoned for a term not exceeding five years, and shall be removed from office, and be forever thereafter incapable of holding any office under the United States.

The purveyor not to be concerned in trade or commerce, &c. nor purchase public lands, &c.

Forfeit of 3,000 dolls, imprisonment, and disability, for offending against the prohibitions of this act, &c.

SEC. 3. *And be it further enacted*, That the said officer shall, before he enters on the duties of his office, give bond, with sufficient sureties, to be approved by the secretary of the treasury and comptroller, in the sum of twenty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his said office; which bond shall be lodged in the office of the comptroller.

The purveyor to give bond, &c.

The bond to be lodged in the office of the comptroller.

[*Approved, February* 23, 1795.]

CHAPTER 24.

An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the present military establishment of the United States, composed of a corps of artillerists and engineers, to consist of nine hundred and ninety-two non-commissioned

The present military establishment, &c. continued.

* Altered by act of 16th July, 1798—See chap. 38, sec. 3.
† Repealed and supplied by act of 30th May, 1796—See chap. 26.

officers, privates, and musicians, and of a legion to consist of four thousand eight hundred non-commissioned officers, privates, and musicians, be, and the same is hereby, continued.

The corps of artillerists and engineers to be completed, &c.

SEC. 2. *And be it further enacted*, That the said corps of artillerists and engineers be completed, conformably to the act of the eighth of May last, establishing the same, and prescribing the number and term of enlistments, and the method of organization.*

The legion of the United States, to be completed, &c.

SEC. 3. *And be it further enacted*, That the legion of the United States be also completed, to the number of four thousand eight hundred non-commissioned officers, privates, and musicians, by voluntary enlistments, for the term of three years; and that the sub-legions composing the same be organized in such manner as the President of the United States shall direct. *Provided, nevertheless*, That no such enlistment shall be made after three years from the passing of this act.

The sub-legions to be organized as the President may direct. Proviso; no enlistments after 3 years.

The cavalry to serve as dismounted dragoons when ordered, &c.

SEC. 4. *And be it further enacted*, That it shall be stipulated as a condition in the enlistments for the cavalry, that they shall serve as dismounted dragoons, when ordered so to do, and that in all cases of enlistments of the troops of every description, there be expressly reserved to the government a right to discharge the whole, or any part thereof, at such times, and in such proportions, as may be deemed expedient.

A right to be reserved, &c. to discharge the troops enlisted.

SEC. 5. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive, for every able-bodied recruit duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of two dollars.

Commissioned officers in the recruiting service allowed 2 dolls. for every person enlisted of the description mentioned, &c.

A bounty of 16 dollars to each soldier re-enlisting, &c.

SEC. 6. *And be it further enacted*, That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom subsequent to the third day of March last, who shall re-enlist, a bounty of sixteen dollars: And to each person not now in the army of the United States, or discharged as above, who shall hereafter enlist, a bounty of fourteen dollars: but the payment of four dollars of the bounty of each and every man so enlisting, shall be deferred until he shall have joined the corps in which he is to serve.

Bounty of fourteen dollars to each recruit, not of the army. Part of the bounty deferred, &c.

Non-commissioned officers, privates, and musicians, of the infantry and artillery, to receive the articles of uniform clothing mentioned. Clothing for the cavalry and riflemen to be suitable, &c.

SEC. 7. *And be it further enacted*, That every non-commissioned officer, private, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat or helmet, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles. And that there be furnished to the cavalry and riflemen, such clothing as shall be the most suitable and best adapted to the nature of the service, having regard

* See chapter 20. There is a discrepance between the date here referred to and that affixed to the act as the date of its approval.

therein, as nearly as may be, to the value of the clothing allowed, as above, to the infantry and artillery.

Daily ration allowed to each non-commissioned officer, private, &c.

SEC. 8. *And be it further enacted*, That every non-commissioned officer, private, and musician, shall receive, daily, the following rations of provision, to wit: one pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whiskey, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations, or the value thereof at the contract price, where the same shall become due; and if, at such post, supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

Additional allowance of provisions to the military employed on the western frontiers.

SEC. 9. *Provided always, and be it further enacted*, That to those in the military service of the United States, who are, or shall be, employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and a half a pint of salt in addition to every hundred of their rations.

Monthly pay of officers, non-commissioned officers, musicians, and privates, on the military establishment of the U. States.

SEC. 10. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians, and privates, on the military establishment of the United States, be as follows, to wit: General staff: a major-general, one hundred and sixty-six dollars; a brigadier-general, one hundred and four dollars; a quartermaster general, one hundred dollars; adjutant general, to do also the duty of inspector, seventy-five dollars; chaplain, fifty dollars; surgeon, seventy dollars; deputy quartermaster, fifty dollars; aid-de-camp, in addition to his pay in the line, twenty-four dollars; brigade-major, to act also as deputy inspector, in addition to his pay in the line, twenty-four dollars; principal artificer, forty dollars; second artificer, twenty-six dollars. Regimental: lieutenant-colonel commandant, seventy-five dollars; major of artillery, and major of dragoons, fifty-five dollars; major of infantry, fifty dollars; paymaster, adjutant, and quartermaster, in addition to their pay in the line, ten dollars; captains, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; surgeon's mates, thirty dollars; sergeant-majors, and quartermaster-sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry, light dragoons, and artillery, nine dollars; matrons and nurses in the hospital, eight dollars.

Rations for commissioned officers.

SEC. 11. *And be it further enacted*, That the commissioned officers aforesaid shall be entitled to receive, for their daily subsistence, the following number of rations of provisions, to wit: A major-general, fifteen rations; a brigadier-general, twelve rations; a lieutenant-colonel commandant, and quartermaster-general, each, six rations; a major, four rations; brigade-major, and aid-de-camp, four rations; a captain, three rations; a

lieutenant, ensign, or cornet, two rations; a surgeon, as well hospital as regimental, three rations; a surgeon's mate, two rations; a deputy quartermaster, two rations; a principal, and second, artificer, each, two rations; a chaplain, two rations; or money in lieu thereof, at the option of the said officers, at the contract price, at the posts, respectively, where the rations shall become due.

Money in lieu of rations.

Monthly rate of allowance, instead of forage, to the officers mentioned.

SEC. 12. *And be it further enacted*, That the officers hereinafter described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: The major-general, twenty dollars; the brigadier-general, sixteen dollars; lieutenant-colonel, twelve dollars; quartermaster-general, adjutant-general, and surgeon-general, each, twelve dollars; major, ten dollars; aid-de-camp, brigade-major, and surgeon, each, ten dollars; captain of cavalry, eight dollars; chaplain and surgeon's mate, each, six dollars; deputy-quartermaster, and subalterns of cavalry, each, six dollars; principal artificer, paymaster, adjutant, and regimental quartermaster, each, six dollars.

Officers, non-commissioned officers, privates, &c. wounded or disabled, &c. to be placed on the list of invalids, &c.

SEC. 13. *And be it further enacted*, That if any officer, non-commissioned officer, private, or musician, aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided always*, That the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed, for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Proviso; rate of compensation to a commissioned officer not to exceed half pay, &c. that to privates not to exceed five dollars per month.

Proviso; allowance for inferior disabilities in proportion.

Officers and soldiers to be governed by the rules and articles of war, &c.

SEC. 14. *And be it further enacted*, That the officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled,* as far as the same may be applicable to the constitution of the United States, or by such rules and articles as may hereafter by law be established.

Officers and soldiers to take and subscribe an oath

Form of oath.

SEC. 15. *And be it further enacted*, That every officer, non-commissioned officer, private, and musician, aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them, honestly and faithfully, against all their enemies or opposers whomsoever, and to observe and obey the orders

*See chapter 2, with its supplements, 3, 4, 6, 8.

of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

The President to arm the troops as he may think proper.

SEC. 16. *And be it further enacted*, That it shall be lawful for the President of the United States to arm the troops aforesaid, whether riflemen, artillerists, dragoons, or infantry, as he shall think proper; and that it be also lawful for him to forbear to raise, or to discharge after they shall be raised, any part thereof, in case events shall, in his judgment, render his so doing consistent with public safety, and general convenience and economy.

The President may forbear to raise, or discharge the troops, in case, &c.

Persons procuring soldiers to desert, &c. or captains of vessels receiving deserters, &c. subject to fine or imprisonment.

SEC. 17. *And be it further enacted*, That every person who shall procure, or entice, a soldier in the service of the United States to desert, or who shall conceal such soldier, knowing him to have deserted, or who shall purchase from such soldier his arms, or his uniform clothing, or any part thereof, and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned, for any term not exceeding one year.

The acts mentioned, repealed.

SEC. 18. *And be it further enacted*, That the several acts, entitled "An act for regulating the military establishment of the United States;"* "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers;"† "An act for making further and more effectual provision for the protection of the frontiers of the United States,"‡ be, and the same are hereby, repealed; and also so much of any act or acts of the present session, as comes within the purview of this act: *Provided always*, That nothing in this section contained shall be so construed as to vacate the commissions which have been issued, or any appointments, or enlistments which have been made, in pursuance of the acts herein repealed.

Proviso; nothing in this section to vacate commissions or enlistments, &c.

[*Approved March*, 3, 1795.]

CHAPTER 25.

An act allowing compensation for horses killed in battle belonging to officers of the army of the United States.§

Officers whose duty requires them to be on

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That every officer in the army of the United States,

*See chapter 12.
†See chapter 13.
‡See chapter 14.
§See chapters 178 and 179.

horseback in time of action, &c. allowed 200 dollars for each horse killed.

whose duty requires him to be on horseback in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding two hundred dollars, as a compensation for each horse so killed.

The provision in this act to have retrospective operation to the 4th March, 1789. Proviso; no person to receive payment for any horse killed, until he make satisfactory proof, &c.

SEC. 2. *And be it further enacted*, That the provision contained in this act shall have retrospective operation, so far as the fourth day of March, in the yearone thousand seven hundred and eighty-nine: *Provided*, That no person shall receive payment for any horse so killed, until he make satisfactory proof to the secretary of war, that the horse, for which he claims compensation, was actually killed under such circumstances as to entitle him to this provision, in all cases which have heretofore taken place, within one year after the end of the present session of Congress; and in all cases which may take place hereafter, within one year after such horse shall have been killed.

Proof of value, &c. the affidavit of the quarter-master, or two other credible witnesses.

SEC. 3. *And be it further enacted*, That the proof of the value, of such horse shall be, by the affidavit of the quarter-master of the corps to which the owner may belong, or of two other credible witnesses.

[*Approved May* 12, 1796.]

CHAPTER 26.

An act to ascertain and fix the military establishment of the United States.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the military establishment of the United States, from and after the last day of October next, be composed of the corps of artillerists and engineers, as established by the act, entitled "An act providing for raising and organizing a corps of artillerists and engineers;"† two companies of light dragoons, who shall do duty on horse or foot, at the discretion of the President of the United States; and four regiments of infantry, of eight companies each; the company of dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and fifty-two privates; and shall be armed and accoutred in such manner as the President of the United States may direct.

Organization of a regiment of infantry.

SEC. 2. *And be it further enacted*, That each regiment of infantry shall consist of one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, eight captains, eight lieutenants,

*See act of the 3d March, 1797, chapter 27, and 16th July, 1798, chapter 37; also act of 16th March, 1802, chapter 49, which repealed and supplied this and the abovementioned acts.

†See chapter 20.

eight ensigns, two sergeant-majors, two quartermaster sergeants, two senior musicians, thirty-two sergeants, thirty-two corporals, sixteen musicians, and four hundred and sixteen privates: *Provided always*, That the President of the United States may, in his discretion, appoint an additional number of surgeon's mates, not exceeding ten, and distribute the same, according to the necessity of the service.

A major-general, and two aids; a brigadier-general, &c.

SEC. 3. *And be it further enacted*, That there shall be one major-general, with two aids-de-camp; one brigadier-general, who may choose his brigade-major from the captains or subalters of the line; which brigade-major shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled to four rations of provisions for his daily subsistence; and, whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof; one quartermaster-general; one inspector, who shall do the duty of adjutant-general; and one paymaster-general: and that the adjutants, quartermasters, and paymasters of regiments, shall be appointed from the subalterns of their respective regiments.

Additional pay of brigade-major, &c.

The President to cause the officers and privates of the legion, &c. to be arranged so as to complete the four regiments, &c. out of them.

The supernumeraries to be considered, &c. discharged.

SEC. 4. *And be it further enacted*, That the President of the United States cause to be arranged, the officers, non-commissioned officers, privates, and musicians, of the legion of the United States, and light dragoons, in such manner as to form and complete out of the same the four regiments aforesaid, and two companies of light dragoons: And the supernumerary officers, privates, and musicians, shall be considered, from and after the last day of October next, discharged from the service of the United States.

The corps of artillerists and engineers to be completed, &c.

SEC. 5. *And be it further enacted*, That the corps of artillerists and engineers be completed, conformably to the act of the eighth day of May, one thousand seven hundred and ninety-four, establishing the same, and prescribing the number and term of enlistments, and the method of organization.*

Commissioned officers employed in recruiting, to receive 2 dollars for every person enlisted of the description mentioned.

SEC. 6. *And be it further enacted*, That the commissioned officers, who shall be employed in the recruiting service, to keep up, by enlistments, the corps of artillerists, infantry, and dragoons, aforesaid, shall be entitled to receive, for every able-bodied recruit, duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of two dollars.

16 dollars bounty to soldiers re-enlisting for five years, &c.

SEC. 7. *And be it further enacted*, That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom subsequent to the third day of March, one thousand seven hundred and ninety-four, who shall re-enlist, for the term of five years, unless sooner discharged, a bounty of sixteen dollars; and to each person not now in the army of the United States, or discharged, as above, who shall hereafter enlist for the term aforesaid, a bounty of fourteen dollars; but the payment of four dollars of the bounty

A bounty of $14 to persons not in the army enlisting.

The payment of

* See chapter 20.

4 dollars of the bounty deferred, &c.

of each and every man so enlisting, shall be deferred, until he shall have joined the corps in which he is to serve.

Non-commissioned officers, privates, &c. of the artillery and infantry, to receive annually, the articles of uniform clothing mentioned.

SEC. 8. *And be it further enacted*, That every non-commissioned officer, private, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

Suitable clothing to be provided for the dragoons, &c.

SEC. 9. *And be it further enacted*, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed, as near as may be, to the value of the clothing allowed to the infantry and artillery.

Daily rations of provisions for non-commissioned officers, privates, &c.

SEC. 10. *And be it further enacted*, That every non-commissioned officer, private, and musician, shall receive, daily, the following rations of provisions, to wit: one pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whiskey; and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

Additional allowance of provisions to the military employed on the western frontier, &c.

SEC. 11. *Provided always, and be it further enacted*, That to those in the military service of the United States, who, are, or shall be, employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of the rations, and half a pint of salt, in addition to every hundred of their rations.

Monthly pay of officers and soldiers, &c.

SEC. 12. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians, and privates, of the military establishment, be as follows: a major-general, one hundred and sixty-six dollars; a brigadier-general, one hundred and four dollars; quartermaster, inspector, and paymaster generals, each, in addition to their pay in the line, twenty-five dollars; principal artificer, forty dollars; second artificer, twenty-six dollars; lieutenant-colonel commandant, seventy-five dollars; major of artillery and of dragoons, fifty-five dollars; major of infantry, fifty dollars; paymaster, adjutant, and regimental quartermaster, in addition to their pay in the line, ten dollars; captain, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; surgeon's mates, thirty dollars; sergeant-majors, and quartermaster-sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry and artillery, farriers and saddlers to the dragoons, each, nine dollars; matrons and nurses in the hospital, eight dollars.

Rations &c. for commissioned officers.

SEC. 13. *And be it further enacted*, That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the followiug number of rations of provisions: a major-general, fifteen rations; a brigadier-general, twelve rations; a lieutenant-colonel commandant, six rations; a quartermaster,

inspector, and paymaster generals, each, six rations; and each aid-de-camp shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled to four rations of provisions for his daily subsistence, and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof; a captain, three rations; a lieutenant, ensign, and cornet, each, two rations; a surgeon, three rations; a surgeon's mate, two rations; a principal, and second artificer, each, two rations, or money in lieu thereof, at the option of the said officers, at the posts, respectively, where the rations shall become due; and if, at such posts, supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

Monthly allowance in lieu of forage, to the officers mentioned.

SEC. 14. *And be it further enacted*, That the officers hereinafter described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: a major-general, twenty dollars; a brigadier-general, sixteen dollars; quartermaster, inspector, and paymaster generals, each, twelve dollars; lieutenant-colonel commandant, twelve dollars; major, ten dollars; captain of dragoons, eight dollars; lieutenant and cornet, each, six dollars; surgeon, ten dollars; surgeon's mate, six dollars; principal artificer, paymaster, adjutant, and regimental quartermaster, each, six dollars.

Not exceeding 300 dolls. fine or one year imprisonment, for enticing a soldier to desert, purchasing his arms, &c. or for a captain of a vessel entering a deserter among his crew, &c.

SEC. 15. *And be it further enacted*, That every person who shall procure or entice a soldier, in the service of the United States, to desert, or who shall purchase, from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned, for any term not exceeding one year.

No non-commissioned officers and privates subject to arrest for a sum under $20.

SEC. 16. *And be it further enacted*, That no non-commissioned officer, or private, shall be arrested, or subject to arrest, for any debt under the sum of twenty dollars.

Non-commissioned officers or privates deserting, liable, in addition to penalties, &c. to serve such period as will amount to the full term of enlistment; and may be tried, although, &c.

SEC. 17. *And be it further enacted*, That if any non-commissioned officer, musician, or private, shall desert from the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve, for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment, and such soldier shall and may be tried and sentenced by a regimental, or garrison court-martial, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

Sentences of general courts-martial, in time

SEC. 18. *And be it further enacted*, That the sentences of general courts-martial, in time of peace, extending to the loss

of peace, extending to the loss of life, or which, in peace or war, respect a general officer, to be laid before the President, &c.

of life, the dismission of a commissioned officer; or which shall, either in time of peace or war, respect a general officer, shall, with the whole of the proceedings in such cases, respectively, be laid before the President of the United States; who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper.*

Officers and soldiers wounded in the line of duty, &c. to be placed on the list of invalids, &c.

SEC. 19. *And be it further enacted*, That if any officer, non-commissioned officer, private, or musician, aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States, for the time being; *Provided always*, That the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed, for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability.

Proviso; the rate of compensation to a commissioned officer not to exceed half pay, &c.

The rate, &c. to non-commissioned officers and privates, not to exeeed five dolls. per month.

Officers and soldiers to be governed by the rules and articles of war, except, &c.

SEC. 20. *And be it further enacted*, That the officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war which have been established by the United States, in congress assembled,† (except so much of the same as is by this act altered or amended,) as far as the same may be applicable to the constitution of the United States; or by such rules and articles as may hereafter by law be established.

Officers and soldiers to take and subscribe an oath.

Form of the oath.

SEC. 21. *And be it further enacted*, That every officer, non-commissioned officer, private, and musician, aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear, or affirm, (as the case may be,) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Acts in force, & within the purview of this act, repealed; saving, &c.

SEC. 22. *And be it further enacted*, That so much of any act or acts, now in force, as comes within the purview of this act, shall be, and the same is hereby, repealed: saving, nevertheless, such parts thereof as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the United States.

Thegeneral staff, &c. to continue in service until the 4th March, 1797.

SEC. 23. *And be it further enacted*, That the general staff, as authorized by this act, shall continue in service until the fourth day of next March, and no longer.

[*Approved*, *May* 30, 1796.]

* See chap. 8, art. 2, and rules and articles of war, chap. 53, art. 65.
† See chapter 2, and its supplements.

CHAPTER 27.

An act to amend and repeal, in part, the act, entitled "An act to ascertain and fix the military establishment of the United States."

The sections and part of sections, &c. of the act mentioned, repealed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the third section of the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled "An act to ascertain and fix the military establishment of the United States,"* together with all other parts thereof, which relate to provision made for the major-general and his staff, be repealed: and that all such parts of the said act, together with so much of the twenty-third section, as may be construed to affect the brigadier, and the whole of the eleventh section of the said act be, and are hereby repealed.

One brigadier-general, &c.

SEC. 2. *And be it further enacted*, That there shall be one brigadier-general, who may choose his brigade-major and inspector from the captains and subalterns in the line, (to each of whom there shall be allowed the monthly pay of twenty-five dollars, in addition to his pay in the line, and two rations extraordinary per day; and, whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.) That there shall be one judge-advocate, who shall be taken from the commissioned officers of the line, and shall be entitled to receive two rations extra per day, and twenty-five dollars per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

A judge-advocate, &c.

A quartermaster general and paymaster general, &c.

SEC. 3. *And be it further enacted*, That there shall be one quartermaster general, and one paymaster general, who shall receive the same pay and emoluments, respectively, which those officers have heretofore been allowed by law.

Monthly pay of lieutenants and ensigns.

SEC. 4. *And be it further enacted*, That from and after the thirtieth day of June next, the monthly pay of the lieutenants shall be thirty dollars, and that of the ensigns twenty-five dollars: That to the brigadier, while commander-in-chief, and to each officer, while commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled.

Double rations to the brigadier while commander-in-chief, and the same to officers commanding separate posts.

Majors entitled to four rations per day.

SEC. 5. *And be it further enacted*, That the majors be entitled to receive four rations per day, for their subsistence.

Each commissioned officer deranged &c. to receive 6 months pay, &c.

SEC. 6. *And be it further enacted*, That to each commissioned officer, who may have been deranged under the act "to ascertain and fix the military establishment of the United States," there shall be paid the amount of six months' pay and subsistence.

[*Approved*, *March* 3, 1797.]

* See chapter 26.

CHAPTER 28.

An act to provide for the further defence of the ports and harbors of the United States.*

$115,000 appropriated for fortifying ports and harbors.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for fortifying certain ports and harbors of the United States, there be appropriated a sum not exceeding one hundred and fifteen thousand dollars.

Fund for defraying the expense.

SEC. 2. *And be it further enacted,* That the said appropriation shall be paid and discharged out of the surplus of the revenue and income beyond the appropriations heretofore charged thereon.

States indebted to the United States, authorized to expend balances due, on fortifications, and to have credit therefor.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby, empowered to authorize any of the states which were found indebted to the United States, in a settlement of the accounts between them and the respective states, to expend, under his direction, the sums respectively due from them, in fortifying their ports and harbors; and the sums which may be so expended, shall be passed to the credit of the said states, on account of the balances found and reported, by the commissioners for settling the accounts between the United States and the individual states, to be due from the said states to the United States: *Provided,* The said states shall and do cede to the United States, the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of such states.†

Proviso; as to cession of cites of fortifications.

[*Approved, June* 23, 1797.]

CHAPTER 29.

An act to provide for the widows and orphans of certain deceased officers.

Provisions of the act of 7th June, 1794, extended to the widows, &c. of officers, &c. who have died by reason of wounds received since 4th March, 1789.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the provisions for widows and orphans of commissioned officers of the troops of the United States, contained in the first section of the law passed on the seventh day of June, one thousand seven hundred and ninety-four, entitled "An act in addition to the act making further and more effectual provision for the protection of the frontiers of the United States,"‡ be, and the same are hereby, extended to the widows and orphan children of commissioned officers of the troops of the United States, and of the militia, who have died by reason of wounds received since the fourth day of March,

* See suplemental act, chapter 31.
†This proviso repealed by act of 3d May, 1798—see chapter 31, section 3.
‡See chapter 22, section 1.

one thousand seven hundred and eighty-nine, in the actual service of the United States: *Provided*, application shall be made within two years after the end of the present session of Congress. Provided application be made within two years.

[*Approved*, *March* 14, 1798.]

CHAPTER 30.

An act to provide an additional regiment of artillerists and engineers.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That an additional regiment of artillerists and engineers shall and may be engaged, by voluntary enlistments, to serve for the term of five years, unless sooner discharged, and to be organized as follows, that is to say: there shall be one lieutenant-colonel commandant, one adjutant, one surgeon, and three battalions, each to consist of one major, one adjutant and paymaster, one surgeon's mate, and four companies, of one captain, two lieutenants, two cadets, with the pay, clothing, and rations, of a sergeant, four sergeants, four corporals, forty-two privates, sappers and miners, ten artificers, to serve as privates, and two musicians, in each company. An additional regiment, to serve five years, &c. Organization of the regiment. Organization of a company.

SEC. 2. *And be it further enacted*, That the additional regiment which shall be raised, pursuant to this act, shall be considered as a part of the military establishment of the United States, for the time being; and the commissioned officers, non-commissioned officers, privates, artificers, and musicians, who shall engage in the said regiment, shall be entitled to the same bounty, pay, and allowances, respectively, according to their corresponding ranks, as are, or shall be, by law, authorized and provided for the other parts of the same establishment, and shall be governed by the same rules and articles of war, and shall be armed and accoutred in such manner as the President of the United States shall direct, and shall and may be employed by him, in detachments, or otherwise, in the field, or the fortifications upon the sea coast, as, in his opinion, the public service shall require. The regiment to be considered as a part of the military establishment. Bounty, pay, allowances, &c. The regiment may be employed by the President as he may deem the public service to require.

SEC. 3. *And be it further enacted*, That the secretary of war shall provide, at the public expense, under the direction of the President of the United States, all necessary books, instruments, and apparatus, for the use and benefit of the said regiment. Necessary books, &c. to be provided at the public expense.

[*Approved*, *April* 27, 1798.]

* Repealed and supplied by act of 16th March, 1802—see chapter 49, sections 1, 2, 26 and 29.

CHAPTER 31.

An act supplementary to the act providing for the further defence of the ports and harbors of the United States.*

250,000 dollars additional, appropriated for fortifications.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That a sum not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, remaining unexpended, shall be, and is hereby, appropriated, and shall and may be paid out of any moneys not before appropriated, to make and complete, at the discretion of the President of the United States, the fortifications heretofore directed for certain ports and harbors, and to erect fortifications in any other place or places, as the public safety shall require, in the opinion of the President of the United States; and which other fortifications he is hereby authorized to cause to be erected, under his direction, from time to time, as he shall judge necessary.

States indebted to the U. S. finishing fortifications, &c. to have credit therefor.

SEC. 2. *And be it further enacted*, That where any state which was found indebted to the United States, by the report of the commissioners for settling the accounts between the United States and the individual states, shall, with the approbation of the President of the United States, proceed to finish or complete any fortifications heretofore commenced by such state, for the defence of any port or harbor within the same, or shall, under the direction of the President of the United States, make and erect any additional fortifications, pursuant to the act, entitled "An act to provide for the further defence of the ports and harbors within the United States,"† as well the previous expenditures, made since the twentieth day of March, one thousand seven hundred and ninety-four, which shall be approved by the President of the United States, as the expenditures which have been, or which shall be, directed by him, shall be allowed and credited to such state, on account of the balance found and reported, as aforesaid: *Provided*, That no expenditure exceeding the balance found and reported against the respective state, shall be allowed as aforesaid; and provided, that the fortifications for which the whole or any part of the expenditures shall be so allowed and credited as aforesaid, with their privileges and appurtenances, shall be, and shall be declared and established as, the property of the United States, while maintained by them.

Proviso; no expenditure exceeding balance due to be allowed, &c.

Proviso of the act of 23d June, 1797, repealed.

SEC. 3. *And be it further enacted*, That these words of the said act, entitled "An act for the further defence of the ports and harbors of the United States,"‡ that is to say, "provided, the said states shall and do cede to the United States, the lands

* Original, act of 23d June, 1797, chapter 28.
† See chapter 28.
‡ See chapter 28, sec. 3.

or places on which such fortifications shall be so erected, in cases where the lands are the property of such states," shall be, and the same are hereby, repealed.

[*Approved, May* 3, 1798.]

CHAPTER 32.

An act to enable the President of the United States to procure cannon, arms, and ammunition; and for other purposes.*

800,000 dollars appropriated to purchase cannon, small arms, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That a sum, not exceeding eight hundred thousand dollars, shall be, and hereby is, appropriated, and shall and may be paid out of any moneys not before appropriated, under the direction of the President of the United States, to purchase, as soon as may be, a sufficient number of cannon, also a supply of small arms, and of ammunition and military stores, to be deposited, and used, as will be most conducive to the public safety and defence, at the discretion of the President of the United States.

The President may establish foundries and armories, &c.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, in case he shall find it impracticable to procure by purchase, with certainty and despatch proportionate to the necessities of the public service, the cannon and arms hereby required, and any considerable part thereof shall be likely to be deficient, to take, by lease, for a term of years, or by sale, in fee, to the United States, one or more suitable place or places where cannon or small arms may be advantageously cast and manufactured, and shall and may there establish foundries and armories, for the manufacture of the same, respectively, and shall cause suitable artizans and laborers to be there employed, for account of the United States; and shall and may appoint one or more persons to superintend the said works, under the direction of the department of war. And an account of the expenditures, which shall be incurred in forming and employing these establishments, and of the cannon and arms which shall be cast and manufactured therein, respectively, shall be laid before the Congress of the United States, at their next session, and annually thereafter, so long as the same shall be continued.

Account of expenditures, to be laid before Congress, annually.

100,000 dolls. appropriated for the purposes of this act.

SEC. 3. *And be it further enacted*, That the sum of one hundred thousand dollars shall be, and hereby is, appropriated, and shall be paid out of any moneys not before appropriated, for the hire, purchase, and employ, of the said foundries and armories, respectively, in case such establishments shall be found necessary, as hereinbefore provided.

[*Approved, May* 4, 1798.]

*See act of 2d April, 1794, chap. 19; also chaps. 47, and 59.

CHAPTER 33.

An act to amend the act, entitled "An act to amend and repeal, in part, the act, entitled 'An act to ascertain and fix the military establishment of the United States.'"*

The brigadier-general may choose his brigade-major and inspector from the commissioned officers of the line.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the brigadier-general who is now, or may hereafter be, in the service of the United States, be, and he hereby is, authorized to choose his brigade-major and inspector, or either of them, from the commissioned officers in the line of the army; and that so much of the second section of the act, entitled "An act to amend and repeal, in part, the act, entitled 'An act to ascertain and fix the military establishment of the United States," as confines the choice of brigade-major and inspector to the captains and subalterns of the line, be, and the same is hereby repealed.

Pay and allowances as established by law, to major Cushing, as inspector.

SEC. 2. *And be it further enacted*, That the accounting officers of the treasury shall allow to major Cushing the monthly pay, rations, forage, and allowances, for the same, as established by law, for an inspector, during the time he has acted in said capacity by appointment of General Wilkinson.

[*Approved, May* 22, 1798.]

CHAPTER 34.

An act authorizing the President of the United States to raise a provisional army.†

The President may, on the events mentioned taking place, raise an army of 10,000 men, for three years.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby, authorized, in the event of a declaration of war against the United States, or, of actual invasion of their territory, by a foreign power; or of imminent danger of such invasion discovered, in his opinion, to exist, before the next session of Congress, to cause to be enlisted, and to call into actual service, a number of troops, not exceeding ten thousand non-commissioned officers, musicians, and privates, to be enlisted for a term not exceeding three years; each of whom shall be entitled to receive a bounty of ten dollars, one half on enlisting, and the other half on joining the corps to which he may belong.

Bounty of $10.

The President may organize the

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to organize, with a suitable num-

* Repealed by act of 16th March, 1802, chap. 49—For the act amended, see chap. 27.

† Repealed by act of 16th March, 1802,—See chapter 49—See also chapter 43, in connexion with this act.

ber of major-generals, and conformably to the military establishment of the United States, the said troops into corps of artillery, cavalry, and infantry, as the exigencies of the service may require; and, in the recess of the Senate, alone, to appoint the commissioned officers. The appointment of the field officers to be submitted to the advice and consent of the Senate at their next subsequent meeting. The commissioned, and non-commissioned officers, musicians, and privates, raised in pursuance of this act, shall be subject to the rules and articles of war, and regulations for the government of the army, and be entitled to the same pay, clothing, rations, forage, and all other emoluments, bounty excepted, and in case of wounds or disability, received in service, to the same compensation, as the troops of the United States are by law entitled.

troops, and appoint officers, in the recess of the Senate, &c.

Appointment of field officers, to be submitted to the Senate, &c.

The troops to be on the footing of the other troops of the United States, bounty excepted.

Sec. 3. *And be it further enacted*, That, in addition to the aforesaid number of troops, the President is hereby empowered, at any time within three years after the passing of this act, if, in his opinion, the public interest shall require, to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, who shall be armed, clothed, and equipped, at their own expense, and whose commissioned officers the President is hereby authorized to appoint; who shall be liable to be called upon to do military duty, at any time the President shall judge proper, within two years after he shall accept the same; and when called into actual service, and while remaining in the same, shall be under the same rules and regulations, and shall be entitled to the same pay, rations, forage, and emoluments of every kind, excepting bounty and clothing, as the other troops to be raised by this act.

The President may accept of volunteers, in addition to the troops authorized by this act, appoint their commissioned officers, &c.

The volunteers may be called upon to perform duty within two years, &c.

Volunteers in actual service on the same footing as other troops, bounty and clothing excepted.

Sec. 4. *And be it further enacted*, That in case any such volunteer, while in actual service, and in the line of his duty, sustains any damage, by injury done to his horse, arms, or equipage, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President shall direct, shall be allowed for each and every such damage or loss.

Allowance to volunteers for loss of horses, &c.

Sec. 5. *And be it further enacted*, That whenever the President shall deem it expedient, he is hereby empowered to appoint, by and with the advice and consent of the Senate, a commander of the army which may be raised by virtue of this act, and who, being commissioned as lieutenant-general,* may be authorized to command the armies of the United States, and shall be entitled to the following pay and emoluments, viz: two hundred and fifty dollars monthly pay, fifty dollars monthly allowance for forage, when the same shall not be provided by the United States, and forty rations per day, or money in lieu thereof, at the current price, who shall have authority to appoint, from time to time, such number of aids, not exceeding

The President may appoint a lieutenant-general.

His pay and emoluments.

*The title of lieutenant-general abolished, by act of 3d March, 1799—see chap. 43, sec. 9.

Aids and secretaries.

four, and secretaries, not exceeding two, as he may judge proper, each to have the rank, pay, and emoluments of a lieutenant-colonel.

The President may appoint an inspector-general.

SEC. 6. *And be it further enacted*, That, whenever the President shall deem it expedient, he is hereby empowered, by and with the advice and consent of the senate, to appoint an inspector-general, with the rank of major-general; and the major-generals and inspector-general shall, each, be entitled to the

Pay and emoluments of major-generals and inspector general.

following pay and emoluments, viz: one hundred and sixty-six dollars monthly pay, twenty dollars monthly allowance for forage, when the same is not provided by the United States, and fifteen rations per day, or money in lieu thereof, at the current price; and shall be, and they are hereby, authorized to

They may appoint aids, &c.

appoint two aids, each of whom shall have the rank, pay, and emoluments of a major. And at the time aforesaid, the President is further empowered, by and with the advice and consent

The President may appoint an adjutant-general,

of the Senate, to appoint an adjutant-general, who shall have the rank, pay, and emoluments of a brigadier-general. And the President is hereby authorized, alone, to appoint, from time

Assistant inspectors to every separate portion of the army; and inspectors and sub-inspectors to each brigade and corps.

to time, when he shall judge proper, assistant-inspectors, to every separate portion of the army, consisting of one or more divisions, who shall be deputy adjutant-generals thereof, respectively, and who shall be taken from the line of the army, and allowed, in addition to their pay, eight dollars per month; and, likewise, to appoint inspectors and sub-inspectors to each brigade and corps, of every description, at his discretion, taking them from the line of the army, and they shall each receive, while acting in said capacity, an additional pay or six dollars per month.

Also, a quartermaster-general, physician-general, and paymaster-general.

SEC. 7. *And be it further enacted*, That in case the President shall judge the employment of a quartermaster-general, physician-general, and paymaster-general, or either of them, essential to the public interest, he is hereby authorized, by and with the advice and consent of the Senate, to appoint the same accordingly, who shall be entitled to the rank, pay, and emoluments, which follow, viz: quartermaster-general, the rank,

Their pay and emoluments.

pay, and emoluments of a lieutenant-colonel; physician-general, and paymaster-general, each, the pay and emoluments of a

Proviso; the President may make the appointments mentioned in the recess, &c.

lieutenant-colonel; *Provided*, That in case the President shall judge it expedient to appoint a commander of the army, an inspector-general, adjutant-general, quartermaster-general, physician-general, and paymaster-general, or either of them, in the recess of the Senate, he is hereby authorized to make any or all of said appointments, and grant commissions thereon, which shall expire at the end of the next session of the Senate thereafter.

Former laws respecting the military establishment of the United States, extended to the persons, matters,

SEC. 8. *And be it further enacted*, That the laws of the United States respecting the regulations and emoluments of recruiting officers, punishment of persons who shall procure or entice a soldier to desert, or shall purchase his arms, uniform, clothing, or any part thereof; and the punishment of every

commanding officer of any ship or vessel, who shall receive on board his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away, any soldier, or refuse to deliver him up to the orders of the commanding officer, and the law respecting the oath or affirmation to be taken by officers, non-commissioned officers, musicians, and privates, and respecting the inserting of conditions in the enlistments, and all other laws respecting the military establishment of the United States, excepting in such cases where different and specific regulations are made by this act, shall be in force, and apply to all persons, matters, and things, within the intent and meaning of this act, in the same manner as they would, were they inserted at large in the same.

and things, within the meaning of this act.

SEC. 9. *And be it further enacted*, That the commander of the army, inspector-general, adjutant-general quartermaster-general, physician-general, and paymaster-general, and the general, field, and commissioned officers, who may be appointed by virtue of this act, shall, respectively, continue in commission during such term only as the President shall judge requisite for the public service; and that it shall be lawful for the President to discharge the whole, or any part, of the troops, which may be raised, or accepted, under the authority of this act, whenever he shall judge the measure consistent with the public safety.

The President may discharge the whole, or any part, of the officers and soldiers raised or accepted, under this act, when consistent with the public safety.

SEC. 10. *And be it further enacted*, That no commissioned or staff officer, who shall be appointed by virtue of this act, shall be entitled to receive pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein: *Provided*, nothing in this section shall be construed to prevent captains and subalterns from receiving pay and emoluments while employed in the recruiting service: *And provided also*, That no enlistment shall take place by virtue of this act, after three years from the passing thereof.

No commissioned or staff officer to be entitled to pay or emolument but for actual service.

Proviso; as to recruiting service.

Proviso: no enlistment after three years.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, upon the request of any militia corps, established by law, in any state, disposed to inform themselves in the use of artillery, or of the executive of any state, in behalf of such corps, to suffer to be loaned to them, such pieces, not exceeding two to any one corps, of the field artillery of the United States, as may be most conveniently spared, to be taken, removed, and returned, at the expense of the party requesting; who are to be accountable for the same, and to give receipts accordingly.

The President may loan field artillery to militia corps, disposed to inform themselves in its use, &c.

SEC. 12. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized, when, under his orders, any portion of the militia, or any volunteer corps, shall be called forth and engaged in the actual service of the United States, to suffer to be loaned, at the request of the executive of the state from which such militia shall be called forth, or of such volunteer corps, appearing to be unavoidably deficient, a supply of field artillery, arms, and accou-

And, also, field artillery, arms, and accoutrements, to militia or volunteer corps called forth and engaged in actual service.

trements, from the arsenals of the United States, as the case may require; proper receipts and security being given to be accountable to return the same, the accidents of the service excepted.

The President may procure certain equipage for cavalry, which may be likewise loaned.

SEC. 13. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized to cause to be purchased and procured a quantity of caps, swords, or sabres, and pistols with holsters, not exceeding what may be sufficient for four thousand cavalry, and to be deposited in the parts of the United States where he shall deem it most convenient for the supply of any corps of cavalry which shall be called into the actual service of the United States, and which the President of the United States may loan, upon the terms, and the like receipts, to be accountable, as hereinbefore provided: and, for this purpose, and towards defraying the expenses which may be necessarily incurred before the next session of Congress, in executing the other purposes of this act, a sum, not exceeding two hundred thousand dollars, shall be, and is hereby, appropriated, and shall and may be paid at the treasury, under the orders of the President of the United States, out of any money not already appropriated.

Appropriation of $200,000 for the purposes of this act.

Privates exempt from arrest for debt or contract, during their term of service.

SEC. 14. *And be it further enacted*, That the private soldiers who are, and who shall be enlisted and employed in the service of the United States, shall be, and they are hereby, exempted, during their term of service, from all personal arrests, for any debt or contract. And whenever any soldier shall be arrested, whether by mesne process, or in execution, contrary to the intent hereof, it shall be the duty of the judge of the district court of the district in which the arrest shall happen, and of any justice of the supreme court of the United States, and of any court or judge of a state, who, by the laws of such state, are authorized to issue writs of habeas corpus, respectively, on application, by an officer of the corps in which such soldier shall be engaged, to grant a writ of habeas corpus, returnable before himself; and, upon due hearing and examination, in a summary manner, to discharge the soldier from such arrest, taking common bail, if required, in any case upon mesne process, and commit him to the applicant, or some other officer of the same corps.

Judges, &c. upon arrest of soldiers for debt, &c. to grant writs of habeas corpus, hear and examine the cases, and discharge, &c.

[*Approved*, *May* 28, 1798.]

CHAPTER 35.

An act supplementary to, and to amend, the act, entitled "An act authorizing the President of the United States to raise a provisional army."*

Volunteers to observe the rules to be fixed by the President for

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the companies of volunteers, and the members of each

*For original act, see preceding chapter.

company, who shall be duly engaged and accepted by the President of the United States, and organized with proper officers commissioned by him, pursuant to the third section of the act, entitled "An act authorizing the President of the United States to raise a provisional army," shall submit to, and observe such rules of training and discipline, as shall be thought necessary to prepare them for actual service; and which rules the President of the United States is hereby authorized to make and establish; and all such companies and volunteers are hereby exempted, until their discharge, or during the time of their engagement, as aforesaid, from all militia duty which is or shall be required by the laws of the United States, or of any state, and from every fine, penalty, or disability, which is or shall be provided to enforce the performance of any duty or service in the militia.

training and disciplining them.

Exempted from militia duty.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized, by and with the consent of the Senate, or by himself, in the recess of Congress, pursuant to the said act, to appoint and commission, as soon as he shall think it expedient, such and so many field officers as shall be necessary for the organizing and embodying in legions, regiments, or battalions, any volunteer companies who shall engage, and shall be accepted, as aforesaid; and such field officers shall have authority, accordingly, to train and discipline such volunteer companies, pursuant to the rules therefor, which shall be established, as aforesaid; *Provided*, That no officer or volunteer, who shall be appointed, engaged, or employed in any training or discipline, as aforesaid, shall be considered as in the pay of the United States, until called into actual service.

The President may appoint their field officers in the recess of Congress.

Proviso; no pay from the United States, until called into actual service.

SEC. 3. *And be it further enacted*, That the President of the United States may authorize the sale, at a reasonable rate, sufficient to indemnify the United States, to any company of volunteers who shall be accepted, as aforesaid, of such pieces of artillery, small arms, and accoutrements, to be delivered from the public arsenals, as shall be found necessary for the equipment and training of such volunteers; or may loan the same to them, upon the receipts of their respective officers, to be accounted for, or returned, at the expiration of their engagement, or other discharge: and of such sales or loans, the necessary accounts shall be kept in the war department, and the money, accruing by any sale, shall be paid into the treasury of the United States; and the same shall be, and is hereby, appropriated for the purchase of other artillery, arms, and accoutrements, as the President of the United States shall direct.

The President may authorize the sale, to volunteers, of artillery, arms, &c., or may loan the same, &c.

Accounts of the sales or loans to be kept in the war department, &c. other artillery, &c. to be purchased with the money accruing.

SEC. 4. *And be it further enacted*, That the President of the United States may proceed to appoint and commission, in the manner prescribed by the said act, such and so many of the officers authorized thereby, for the raising, organizing, and commanding, the provisional army of ten thousand men, as, in his opinion, the public service shall more immediately require;

The President may proceed to appoint such of the officers for the army of 10,000 men as may be more immediately requisite.

any thing which may be supposed in the said act, to the contrary hereof notwithstanding: *Provided*, That the officers who shall be so appointed, shall not be entitled to any pay, subsistence, or other emolument, by reason of such commission, until they shall be, respectively, employed in the actual service of the United States: *And provided*, That the further raising of the said army shall not be authorized otherwise than as by the said act is provided.

Officers not entitled to pay until employed in actual service.

[*Approved, June* 22, 1798.]

CHAPTER 36.

An act for the establishing and organizing a Marine Corps.*

A corps of marines to be raised and organized, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That in addition to the present military establishment, there shall be raised and organized a corps of marines, which shall consist of one major,† four captains, sixteen first lieutenants, twelve second lieutenants, forty-eight sergeants, forty-eight corporals, thirty-two drums and fifes, and seven hundred and twenty privates, including the marines who have been enlisted, or are authorized to be raised, for the naval armament, and the said corps may be formed into as many companies, or detachments, as the President of the United States shall direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment.

The corps may be formed into companies, &c.

Pay and subsistence of the officers, privates, &c.

SEC. 2. *And be it further enacted*, That the pay and subsistence of the said officers, privates, and musicians, shall be as follows, to wit: to a major, fifty dollars per month, and four rations per day; to a captain, forty dollars per month, and three rations per day; to a first lieutenant, thirty dollars per month, and three rations per day; to a second lieutenant, twenty-five dollars per month, and two rations per day; and to the non-commissioned officers, privates, and musicians, conformably to the act, entitled "An act providing a naval armament," as shall be fixed by the President of the United States: and the President of the United States shall be, and is hereby, authorized to continue the enlistment of marines, until the said corps shall be complete: and, of himself, to appoint the commissioned officers, whenever, in the recess of the Senate, an appointment shall be necessary. And the enlistments, which shall be made by virtue hereof, may be for the term of three years,‡ subject to be discharged by the President of the United States, or

The President to continue enlistments; appoint commissioned officers in the recess, &c.

Enlistment for three years, subject, &c.

* See chapters 41, 61, 94.

† See chapter 46, abolishing the office of major, and creating a lieutenant-colonel commandant.

‡ See chapter 61.

by the ceasing or repeal of the laws providing for the naval armament. And if the marine corps, or any part of it, shall be ordered by the President to do duty on shore, and it shall become necessary to appoint an adjutant, paymaster, quartermaster, sergeant major, quartermaster sergeant, and drum and fife major, or any of them, the major or commandant of the corps is hereby authorized to appoint such staff officer or officers, from the line of subalterns, sergeants, and music, respectively, who shall be entitled, during the time they shall do such duty, to the same extra pay and emoluments which are allowed by law to officers acting in the same capacities in the infantry.

The marine corps being ordered to do duty on shore, the commandant of the corps may appoint the necessary staff officers, &c.

SEC. 3. *And be it further enacted*, That detachments of the corps of marines hereby authorized, shall be made in lieu of the respective quotas of marines which have been established or authorized for the frigates, and other armed vessels and galleys, which shall be employed in the service of the United States: and the President of the United States may detach and appoint such of the officers of this marine corps to act on board the frigates, and any of the armed vessels of the United States, respectively, as he shall, from time to time, judge necessary, any thing in the act "providing a naval armament" to the contrary hereof notwithstanding.

Detachment of the corps to be in lieu of the quotas established for the frigates, &c.

SEC. 4. *And be it further enacted*, That the officers, non-commissioned officers, privates, and musicians, aforesaid, shall take the same oath, and shall be governed by the same rules and articles of war, as are prescribed for the military establishment of the United States,* and by the rules for the regulation of the navy, heretofore, or which shall be, established by law, according to the nature of the service in which they shall be employed, and shall be entitled to the same allowance, in case of wounds or disabilities, according to their respective ranks, as are granted by the act "to ascertain and fix the military establishment of the United States."†

Officers, &c. of the corps to take an oath, be governed by established rules; be entitled to the same allowance in case of wounds, &c. as granted by the act mentioned.

SEC. 5. *And be it further enacted*, That the non-commissioned officers, musicians, seamen, and marines, who are or shall be enlisted into the service of the United States; and the non-commissioned officers and musicians, who are or shall be enlisted into the army of the United States, shall be, and they are hereby, exempted, during their term of service, from all personal arrests, for any debt or contract.

Exemption of non-commissioned officers, &c. from arrest for debts or contracts.

SEC. 6. *And be it further enacted*, That the marine corps, established by this act, shall, at any time, be liable to do duty in the forts and garrisons of the United States, on the seacoast, or any other duty on shore, as the President, at his discretion, shall direct. [*Approved, July* 11, 1798.]

The marine corps liable to do duty in forts and garrisons, &c.

* See chapters 2 and 53.

† See chapter 26.

CHAPTER 37.

An act to augment the army of the United States, and for other purposes.*

Organization of regiments of infantry.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the passing of this act, each regiment of infantry in the army of the United States, shall consist of one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, ten captains, ten lieutenants, ten ensigns, one sergeant-major, one quartermaster-sergeant, two senior musicians, forty sergeants, forty corporals, twenty musicians, and six hundred privates; and that the several regiments of infantry now in the service of the United States, be augmented accordingly: *Provided always*, That the President of the United States may, in his discretion, appoint and distribute such additional number of surgeon's mates, and for such length of time, as the exigencies of the service may require.

Additional surgeon's mates may be appointed.

President authorized to raise 12 additional regiments of infantry and six troops of light dragoons, during existing differences, &c.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to raise, in addition to the present military establishment, twelve regiments of infantry, and six troops of light dragoons, to be enlisted for and during the continuance of the existing differences between the United States and the French republic, unless sooner discharged; and the said six troops, together with the two troops of dragoons now in service, shall be formed into a regiment, and there shall be appointed thereto one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one sergeant-major, and one quartermaster-sergeant, whose pay and emoluments, as well as those of the cornets, respectively, shall be the same as are by law allowed to officers of the same grades in the infantry.

The six troops, &c. to be formed into a regiment, &c.

Major-generals, and staff.

SEC. 3. *And be it further enacted*, That there shall be two major-generals, with two aids-de-camp each; one inspector-general, with the rank, pay, and emoluments of a major-general, and two aids-de-camp; three brigadier-generals, in addition to the present establishment; two assistant-inspectors, (who shall be taken from the line of the army,) one adjutant-general, with one or more assistant or assistants, (to be taken from the line of the army,) and four chaplains.

Pay and subsistence of major-generals, &c.

SEC. 4. *And be it further enacted*, That the major-generals, respectively, shall be entitled to one hundred and sixty-six dollars monthly pay, with twenty dollars allowance for forage monthly, and for daily subsistence fifteen rations, or money in lieu thereof, at the contract price; the adjutant-general shall be entitled to the rank, pay, and emoluments, of a brigadier-general; each chaplain to the pay and emoluments of a major; the aids-de-camp and assistant inspectors shall each be entitled

*Repealed by act of 16th March, 1802—See chapter 49.

to twenty-four dollars monthly, in addition to their pay in the line, and to four rations of provisions, each, for their daily subsistence; and, whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

Non-commissioned officers, privates, &c., to be able bodied, &c.

SEC. 5. *And be it further enacted*, That each non-commissioned officer, private, and musician, who shall hereafter be enlisted for the army of the United States, shall be able bodied, and of a size and age suitable for the public service, according to the directions which the President of the United States shall and may establish, and shall be entitled to a bounty of twelve dollars, but the payment of four dollars thereof shall be deferred until he shall have joined the army; and each commissioned officer who shall be employed in the recruiting service, shall be entitled to receive, for each such non-commissioned officer and private, and for each sufficient musician, duly enlisted and mustered, the sum of two dollars.

Bounty of $12.

Allowance to recruiting officers.

Pay of non-commissioned officers, musicians, privates, &c.

SEC. 6. *And be it further enacted*, That the monthly pay of the non-commissioned officers, musicians, and privates, in the army of the United States, from and after the first day of August next, shall be as follows: cadets, ten dollars, and two rations per day; sergeant-majors, and quartermaster-sergeants, ten dollars; senior musicians, eight dollars; sergeants, eight dollars; corporals, seven dollars; musicians, six dollars; privates, five dollars; artificers to the infantry and artillery, and farriers and saddlers to the dragoons, shall be allowed, each, the monthly pay of ten dollars. That every non-commissioned officer, private, and musician, shall receive, daily, the following rations of provisions, to wit: one pound and a quarter of beef, or three quarters of a pound of pork; eighteen ounces of bread, or flour; a gill of rum, brandy, or whiskey; and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.

Subsistence of non-commissioned officers, privates, &c.

The President may appoint four teachers of the arts and sciences, necessary for artillerists and engineers.

SEC. 7. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to appoint a number, not exceeding four, teachers of the arts and sciences, necessary for the instruction of the artillerists and engineers, who shall be entitled to the monthly pay of fifty dollars, and two rations per day.

Officers and soldiers to take the oath prescribed, &c.

SEC. 8. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates, raised by virtue of this act, shall take and subscribe the oath or affirmation prescribed by the law, entitled "An act to ascertain and fix the military establishment of the United States,"* and they shall be governed by the rules and articles of war which have been, or may be, established by law, and shall be entitled to the legal emoluments in case of wounds or disabilities, received while in actual service, and in the line of duty. And in recess of Senate, the President of the United States is hereby authorized

The President

* See chapter 26.

may make appointments in the recess of the Senate.

to appoint all the regimental officers proper to be appointed under this act, and likewise to make appointments to fill any vacancies in the army, which may have happened during the present session of the Senate.

Inspector of artillery to be appointed, &c.

SEC. 9. *And be it further enacted.* That there shall be appointed an inspector of the artillery, taken from the line of artillerists and engineers, who shall be allowed thirty dollars per month, in addition to his pay in the line, and four rations of provisions for his daily subsistence; and, whenever forage shall not be furnished by the public, he shall be allowed ten dollars per month instead thereof.

[*Approved, July* 16, 1798.]

CHAPTER 38.

An act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

[EXTRACT.]

Purchases and contracts to be made by the secretaries of war, and navy departments, and the accounts to be settled with the accountants thereof.

SEC. 3. *And be it further enacted,* That all purchases, and contracts for supplies or services for the military and naval service of the United States, shall be made by or under the direction of the chief officers of the departments of war and the navy, respectively, and all agents or contractors for supplies or services as aforesaid, shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required; subject, nevertheless, to the inspection and revision of the officers of the treasury in manner before prescribed.

Purveyor of public supplies to execute orders from the secretaries of war or navy, &c.

SEC. 4. *And be it further enacted,* That it shall be the duty of the purveyor of public supplies,* to execute all such orders as he may, from time to time, receive from the secretary of war or secretary of the navy, relative to the procuring and providing of all kinds of stores and supplies; and shall render his accounts relative thereto, to the accountants of the proper departments, which accounts shall be subject to the inspection and revision of the officers of the treasury as aforesaid.

Provision of the acts mentioned, repealed, so far, &c.

SEC. 5. *And be it further enacted,* That the provisions of the act, passed on the eighth day of May, one thousand seven hundred and ninety-two, entitled "An act making alterations in the treasury and war departments."† and the act passed on the twenty-third day of February, one thousand seven hundred and ninety-five, entitled "An act to establish the office of purveyor of public supplies,"‡ so far as the same are repugnant to the provisions of this act, be, and the same are hereby, repealed.

Contracts under

SEC. 6. *And be it further enacted,* That all contracts to be

* The office of purveyor abolished, by act of 28th March, 1812—See chap. 68, sec. 9.

† See chap. 16. ‡ See chap. 23.

made by virtue of this act, or of any law of the United States, and requiring the advance of money, or to be in any manner connected with the settlement of public accounts, shall be deposited in the office of the comptroller of the treasury of the United States, within ninety days after their dates, respectively.

this act, &c. such as require an advance of money, &c. to be lodged in the comptroller's office within 90 days.

[*Approved, July* 16, 1798.]

CHAPTER 39.

An act to regulate the Medical Establishment.*

Officers in the medical establishment of the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That in the medical establishment of the United States, there shall be the following officers; A physician general, who shall be charged with the superintendence and direction of all military hospitals, and, generally, of all medical and chirurgical practice or service concerning the army or navy of the United States, and of all persons who shall be employed in and about the same, in camps, garrisons, and hospitals. An apothecary-general, and one or more deputies, who shall be charged with the safe keeping and delivery of all medicines, instruments, dressings, and other articles, for the use of the hospital and army. A purveyor, who shall be charged with providing medicines, stores, and whatsoever else may be necessary in relation to the said practice or service. A competent number of hospital surgeons, who shall be liable to serve in the field, and who shall have the immediate charge and direction of such military hospitals as may be committed to their care, respectively. A suitable number of hospital mates, who are to observe the directions of the hospital surgeons, and shall diligently perform all reasonable duties required of them for the recovery of the sick and wounded.

Each military hospital to have a steward, &c.

SEC. 2. *And be it further enacted,* That each military hospital shall have a steward, with a competent number of nurses, and other attendants; which steward shall be charged with the procuring of such supplies as may not otherwise be furnished, and with the safe keeping and issuing of all supplies.

Physician-general, &c. to be appointed as other officers, &c.

SEC. 3. *And be it further enacted,* That the said physician-general, hospital-surgeons, purveyor, and apothecary and apothecaries, deputy or deputies, shall be appointed as other officers of the United States: that the said mates and stewards shall be appointed by the authority, and at the direction, of the said physician-general, subject to the eventual approbation and control of the President of the United States, and shall be re-

Mates, and stewards to be appointed by the physician-general, &c.

*Repealed and supplied by act of 16th March, 1802—see chapter 49 sections 3 and 29.

Hospital surgeons to appoint nurses, &c.

movable by the authority of the said physician-general; and that the surgeon of each hospital shall appoint, employ, and fix the compensations of, the nurses and other attendants of such hospital, subject to the control of the said physician-general, or the hospital-surgeon, of senior appointment, with a separate army, or in a separate district.

Regimental surgeons, &c. with the consent of the general, to attend in the hospitals, &c.

SEC. 4. *And be it further enacted*, That as often as the regimental sick will not suffer by the employing of the regimental surgeons or mates in the temporary or other hospitals of the United States, the physician-general, or the hospital-surgeon, of senior appointment, with a separate army, or in a separate district, with the consent of the general and commander-in-chief, or the officer commanding a separate army, may require the attendance of such surgeons, or surgeon's mates, as, in his opinion, can be with safety so withdrawn from their regiments.

The physician general, &c. to frame directions relative to the admission of patients into hospitals, &c.

SEC. 5. *And be it further enacted*, That it shall be the duty of the physician-general, with two or more hospital surgeons, to frame a system of directions relative to the description of patients to be admitted into the hospitals; to the means of promoting cleanliness in the hospitals; to the prevention of idleness, skulking, and gambling, in the hospitals; to the prevention of the spread of infectious distempers in the camps and hospitals, and the government of nurses, and all others charged with the care of the sick in camps or hospitals, subject, in the first instance, to the approbation and revision of the commander-in-chief, the commander of a separate army, or in a separate district, as the case may be, and, eventually, to the approbation and control of the President of the United States: *Provided always*, That the said directions, having received the sanction of the commander-in-chief, or the commander of a separate army, shall be operative, and remain in full force, unless altered or annulled by the President of the United States.

Proviso; the directions being sanctioned, &c. to be operative, unless, &c.

Compensation & allowance for forage, &c. to the several officers mentioned.

SEC. 6. *And be it further enacted*, That the compensations of the said several officers shall be as follows: of the physician-general, one hundred dollars pay per month, and fifty dollars per month, which shall be in full compensation for forage, rations, and travelling expenses: of the purveyor, one hundred dollars pay per month, in full compensation for his services, and all expenses: of the apothecary-general, eighty dollars pay per month, and thirty dollars per month, in full compensation for forage, rations, and all expenses: of each of his deputies, fifty dollars pay per month, and sixteen dollars per month, in full compensation for forage, rations, and all expenses: of each hospital surgeon, eighty dollars pay per month, and forty dollars per month, in full compensation for forage, rations, and all expenses: of each mate, thirty dollars pay per month, and twenty dollars per month, in full compensation for forage, rations, and all expenses: of each steward, twenty-five dollars pay per month, and eight dollars per month, in full compensa-

tion for forage, rations, and all expenses: *Provided*, That none of the officers aforesaid, shall be entitled to any part of the pay or emoluments aforesaid, until they shall, respectively, be called into actual service.

Proviso; none of the officers entitled to pay, &c. until called into actual service.

SEC. 7. *And be it further enacted*, That, for the accommodation of the sick of the army and navy of the United States, the physician-general, and hospital surgeon of senior appointment, with the approbation of the general commanding the army within the district where he shall be, shall have power to provide temporary hospitals; and the physician-general, with the approbation of the President of the United States, shall have power to provide and establish permanent hospitals.

Temporary and permanent hospitals may be provided, &c.

SEC. 8. *And be it further enacted*, That all the said officers, and others, shall, as touching their several offices and duties, be liable to the rules and regulations for the government and discipline of the army; and shall be bound to obey, in conformity with law and the usages and customs of armies, the orders and directions of the chief military officers of the respective armies, and within the respective districts in which they shall respectively serve and be.

The officers of the medical establishment to be liable to the rules and regulations for the government and discipline of the army, &c.

SEC. 9. *And be it further enacted*, That the physician-general, or, in his absence, the senior medical officer, with the approbation of the commander-in-chief, or commanding officer of a separate army, be, and hereby is, authorized and empowered, as often as may be judged necessary, to call a medical board, which shall consist of the three senior medical officers, then present, whose duty it shall be to examine all candidates for employment or promotion in the hospital department, and certify to the secretary of war the qualifications of each.

The physician general, &c. may call a medical board, &c.

[*Approved, March* 2, 1799.]

CHAPTER 40.

An act giving eventual authority to the President of the United States to augment the army.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be lawful for the President of the United States, in case war shall break out between the United States and a foreign European power, or in case imminent danger of invasion of their territory by any such power, shall, in his opinion, be discovered to exist, to organize and cause to be raised, in addition to the other military force of the United States, twenty-four regiments of infantry, a regiment and a battalion of riflemen, a battalion of artillerists and engineers, and three regiments of cavalry, or such part thereof as he shall judge

In case of war, or danger of invasion, an additional military force may be raised.

* The 1st and 2d sections of this act expired by the operation of the 11th section; the powers thereby conferred, not having been continued for a longer time.

necessary; the non-commissioned officers and privates of which to be enlisted for a term not exceeding three years, and to be entitled each to a bounty of ten dollars; one half to be paid at the time of enlistment, and the remainder at the time of joining the regiment to which they may belong.

The President, with the advice of the Senate, or alone, authorized to appoint and commission officers, &c.

SEC. 2. *And be it further enacted*, That the President of the United States be authorized, whenever it shall appear to him expedient, if during the session of the Senate, with their advice and consent, if in their recess, alone, to appoint and commission all officers for the said troops, agreeably to the rules and regulations prescribed by law for the military establishment: *Provided*, That the general and field officers who may be appointed in the recess of the Senate, shall, at the next meeting thereof, be nominated and submitted to them for their advice and consent.

Proviso; general and field officers to be submitted to the Senate at the next meeting, &c.

The officers, non-commissioned officers, privates, &c. entitled to the same pay, clothing, rations, &c. as other troops, &c. subject to the rules and articles of war, &c.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers, and privates, of the troops, which may be organized and raised pursuant to this act, shall be entitled to the like pay, clothing, rations, forage, and other emoluments, and to the like compensation in case of disability by wounds, or otherwise, incurred in the service, as the officers, non-commissioned officers, and privates, of other troops of correspondent denominations, composing the army of the United States; and, with them, shall be subject to the rules and articles of war, and to all other regulations for the discipline and government of the army. *Provided*, That no officer, except captains and subalterns who may be employed in the recruiting service, shall be entitled to any pay or other emolument until he shall be called into actual service.

Proviso; none but recruiting officers entitled to pay, until called into actual service.

The laws of the United States respecting the military establishment applicable to the troops, &c. to be raised by this act; except, &c.

SEC. 4. *And be it further enacted*, That the laws of the United States respecting the regulations and emoluments of recruiting officers, punishment of persons who shall procure or entice a soldier to desert, or shall purchase his arms, uniform, clothing, or any part thereof, and the punishment of every commanding officer of every ship or vessel, who shall receive on board his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any soldier, or refuse to deliver him up to the orders of his commanding officer; and the law respecting the oath or affirmation to be taken, by officers, non-commissioned officers, musicians, and privates; and respecting the inserting of conditions in the enlistments; and all other laws respecting the military establishment of the United States, excepting in such cases where different and specific regulations are made by this act, shall be in force, and apply to all persons, matters, and things, within the intent and meaning of this act, in the same manner as they would were they inserted at large in the same.

The President may discharge the whole, or any part, of the troops raised under this act at discretion.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, to discharge the whole or any part, of the troops which may be raised by virtue of this act, whensoever he shall think fit.

SEC. 6. *And be it further enacted*, That the President of the United States be authorized to organize all such companies of volunteers, as have been, or shall be, accepted by him pursuant to the act, entitled "An act authorizing the President of the United States to raise a provisional army,"* into regiments, brigades, and divisions, and to appoint all officers thereof, agreeably to the organization prescribed by law for the army of the United States: And the said volunteers shall not be compelled to serve out of the state in which they reside, a longer time than three months after their arrival at the place of rendezvous.

The President authorized to organize volunteers, &c.

Volunteers not compelled to serve longer than three months, &c. out of their state.

SEC. 7. *And be it further enacted*, That it shall be lawful for the President of the United States to call forth and employ the said volunteers in all the cases, and to effect all the purposes, for which he is authorized to call forth and employ the militia, by the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for these purposes."†

The volunteers may be called forth, &c. for all the purposes stated in the act mentioned, &c.

SEC. 8. *And be it further enacted*, That it shall not be lawful for the President of the United States to accept a greater number of the said volunteers, in any of the states or territories of the United States, than is hereinafter apportioned to them, respectively; that is to say: To New Hampshire, three thousand; to Massachusetts, ten thousand; to Rhode Island, one thousand; to Vermont, two thousand; to Connecticut, five thousand; to New York, seven thousand; to New Jersey, five thousand; to Pennsylvania, ten thousand; to Delaware, one thousand: to Maryland, five thousand; to Virginia, ten thousand; to Kentucky, one thousand; to North Carolina, seven thousand; to Tennessee, one thousand; to South Carolina, four thousand; to Georgia, fifteen hundred; to North Western Territory, one thousand; and to Mississippi Territory, five hundred.

The President not to accept a greater number of volunteers in any of the states, &c. than is here apportioned, &c.

SEC. 9. *And be it further enacted*, That for the execution of this act, if it shall be found necessary to carry it, or any part of it, into effect, there be appropriated the sum of two millions of dollars; and that the President be authorized to borrow, on behalf of the United States, the said sum, or so much thereof as he shall deem necessary, (which the bank of the United States is hereby empowered to lend) and upon such terms and conditions, as he shall judge most advantageous to the United States: *Provided*, That such terms and conditions, shall not restrain the United States from paying off the sum which may be borrowed, after the expiration of fifteen years.

$2,000,000 appropriated for the execution of this act.

The President authorized to borrow money, &c.

Proviso; the U. States may repay the sum borrowed after 15 years.

SEC. 10. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be, and hereby is, pledged and appropriated for paying the interest of all such moneys as may be

Surplus of duties pledged for paying the interest and principal of the loan, &c.

* See chapter 34.

† See Appendix, chapter 3.

borrowed pursuant to this act, according to the terms and conditions on which the loan, or loans, respectively, may be effected; and also for paying, by discharging, the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed as aforesaid.

The powers vested in the President by the 1st and 2d sections of this act, to cease, &c. unless continued by law.

SEC. 11. *And be it further enacted*, That the powers, by the first and second sections of this act vested in the President of the United States, shall cease at the expiration of the session of Congress next ensuing the present, unless they shall be, by some future law, continued in force for a longer time.

[*Approved, March* 2, 1799.]

CHAPTER 41.

An act authorizing an augmentation of the Marine corps.*

The President authorized to augment the marine corps by the appointments and enlistment mentioned, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States shall be, and he is hereby, authorized to cause the marine corps in the service of the United States to be augmented, by the appointment and enlistment of not exceeding two first lieutenants, six second lieutenants, eight surgeons, one hundred and seventy privates, and eighteen drums and fifes, who shall be respectively, allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations, to which the said marine corps are or shall be entitled and subject.

[*Approved, March* 2, 1799.]

CHAPTER 42.

An act authorizing the President of the United States to fill certain vacancies in the army and navy.

The President authorized to make appointments, to fill certain vacancies in the army and navy.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States shall be, and he is hereby, authorized to make appointments to fill any vacancies in the army and navy, which may have happened during the present session of the Senate.

[*Approved, March* 3, 1799.]

* See chapter 36.

CHAPTER 43.

An act for the better organizing of the troops of the United States, and for other purposes.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the troops heretofore authorized, and which hereafter may be authorized, to be raised, shall be composed and organized as follows, to wit: A regiment of infantry shall consist of one lieutenant-colonel commandant, two majors, first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant, one surgeon, and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster-sergeants, two chief musicians, first and second, twenty other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, which, together, shall form two battalions, each battalion of five companies: A regiment of cavalry shall consist of one lieutenant-colonel commandant, two majors, a first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant; one surgeon, and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster-sergeants, two chief musicians, first and second, ten other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, including ten saddlers, ten blacksmiths, and ten boot makers; which, together, shall form five squadrons, each squadron of two companies: A regiment of artillery shall consist of one lieutenant-colonel commandant, four majors, one adjutant, one quartermaster, and one paymaster, each being a lieutenant; one surgeon, and two surgeon's mates, sixteen captains, thirty-two lieutenants, besides the three lieutenants before mentioned, thirty-two cadets, four sergeant-majors, four quartermaster-sergeants, sixty-four sergeants, sixty-four corporals, one chief musician, ten other musicians, eight hundred and ninety-six privates, including one hundred and twenty-eight artificers, which, together, shall form four battalions, each battalion of four companies: *Provided, always,* That the number of privates raised, and to be raised, for the regiment of cavalry, and the regiments of infantry heretofore authorized, shall not exceed the number, respectively, for which provision hath been made by law; nor shall the battalion of riflemen, nor the two additional troops of cavalry authorized by this act, be raised, until further provision shall be so made, unless war shall break out between the United States and some European prince, potentate, or state, in which

Organization of the troops,

A regiment of infantry.

A regiment of cavalry.

A regiment of artillery.

Proviso; the number of privates for cavalry, &c. not to exceed, &c.

The battalion of riflemen, &c. not to be raised, unless, war shall break out, &c.

* Repealed and supplied by act of 16th March, 1802, chapter 49, so far as it conflicts with the provisions of that act. Sections 8, 22, 23, and 24, do not appear to come within the operation of the repealing clause.

case it shall be lawful for the President of the United States, at his discretion, to cause the said regiments, or any of them, to be severally completed to their full establishment.

Ensigns and cornets to be denominated 2d lieutenants.

SEC. 2. *And be it further enacted*, That every ensign and cornet, in the regiments heretofore appointed, shall be denominated hereafter second lieutenants.

Compensation of the officers, non-commissioned officers and privates, when in actual service, &c.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers, and privates, hereinafter mentioned, who now are, or at any time hereafter may be, in the actual service of the United States, shall be entitled to, and shall receive the following compensations, to wit: a major-general, one hundred and sixty-six dollars per month, and fifteen rations of provisions per day, or an equivalent in money; and when forage shall not be furnished by the United States, the further sum of twenty dollars per month. A brigadier-general, one hundred and four dollars per month, twelve rations per day, or an equivalent in money, and sixteen dollars per month for forage, when not furnished as aforesaid. A lieutenant-colonel commandant, seventy-five dollars per month, six rations per day, or an equivalent in money, and twelve dollars for forage, when not furnished as aforesaid. A major of artillery or cavalry, each, fifty-five dollars per month, four rations per day, or an equivalent in money, and ten dollars per month for forage, when not furnished as aforesaid. A major of infantry, fifty dollars per month, four rations per day, or an equivalent in money, and ten dollars per month for forage, when not furnished as aforesaid. A captain of cavalry, forty dollars per month, three rations per day, or an equivalent in money, and eight dollars per month for forage, when not furnished as aforesaid. A captain of artillery, and infantry, forty dollars per month, and three rations per day, or an equivalent in money. A first lieutenant of cavalry, thirty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. Lieutenants of artillery, each, thirty dollars per month, and two rations per day, or an equivalent in money. A second lieutenant of cavalry, twenty-five dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. A first lieutenant of infantry, thirty dollars per month, and two rations per day, or an equivalent in money. A second lieutenant of infantry, twenty-five dollars per month, and two rations per day, or an equivalent in money. A regimental surgeon, forty-five dollars per month, three rations per day, or an equivalent in money, and ten dollars per month for forage, when not furnished as aforesaid. A surgeon's mate, thirty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. A regimental paymaster, quartermaster, and adjutant, in addition to their pay in the line, each, ten dollars, and six dollars per month for forage, when not furnished as aforesaid. A cadet of cavalry,

ten dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. All other cadets, ten dollars per month, and two rations per day, or an equivalent in money. A sergeant-major, and a quartermaster-sergeant, each, ten dollars per month. A chief musician, eight dollars per month. A sergeant, eight dollars per month. A corporal, seven dollars per month. A musician, six dollars per month. An artificer to the infantry and artillery, a farrier, saddler, and boot maker to the dragoons, each, ten dollars per month. A private soldier, five dollars per month. And to each of the said non-commissioned officers and privates, one ration of provisions per day.

Non-commissioned officers, privates, &c. exempted from personal arrest, &c.

SEC. 4. *And be it further enacted*, That all non-commissioned officers, artificers, privates, and musicians, who are, and who shall be, enlisted, and the non-commissioned officers, artificers, privates, and musicians, of the militia, or other corps, who at any time may be in the actual service of the United States, shall be, and they are hereby, exempted, during their term of service, from all personal arrests, for any debt or contract. And whenever any non-commissioned officer, artificer, private, or musician, shall be arrested, whether by mense process, or in execution, contrary to the intent hereof, it shall be the duty of the judge of the district court of the United States, and of any court or judge of a state, who, by the laws of such state, are authorized to issue writs of habeas corpus, respectively, on application by an officer, to grant a writ of habeas corpus, returnable before himself: and upon due hearing and examination, in a summary manner, to discharge the non-commissioned officer, artificer, private, or musician, from such arrest, taking common bail, if required, in any case upon mense process, and commit him to the applicant, or some other officer of the same corps.

In case of arrests, judges, &c. to issue habeas corpus, examine, &c. and commit the party to some officers, &c.

Non-commissioned officers, privates, &c. to be able bodied, &c.

SEC. 5. *And be it further enacted*, That each non-commissioned officer, private, artificer, and musician, who shall hereafter be enlisted for the army of the United States, shall be able bodied, and of a size and age suitable for the public service, according to the directions which the President of the United States shall and may establish; and shall be entitled to a bounty of twelve dollars: but the payment of four dollars thereof shall be deferred until he shall have joined the army. And each commissioned officer, who shall be employed in the recruiting service, shall be entitled to receive, for each such non-commissioned officer, and private, and artificer, and for each sufficient musician, duly enlisted and mustered, the sum of two dollars, the same being in full compensation for his extra expenses in the execution of this service.

Bounty of $12.

$2 to the recruiting officer, for each person enlisting, &c.

When officers are detached, to serve as aids, &c. their places to be supplied by promotions or new appointments, &c.

SEC. 6. *And be it further enacted*, That when any officer shall be detached from a regiment, to serve as an aid to a general officer, or as assistant or other inspector, or as an assistant to the quartermaster-general, by whatsoever name, or as an assistant to the adjutant-general, by whatsoever name, the place of such officer in his regiment shall be supplied, by promotion

The officer detached to retain his station nevertheless, &c.

or new appointment, or both, as may be requisite; but the officer detached shall, nevertheless, retain his station in his regiment, and shall rank and rise therein, in the same manner as if he had not been detached.

Officers appointed inspectors, aids, &c. not to be of higher rank than those mentioned.

SEC. 7. *And be it further enacted*, That no officer shall be appointed as the inspector of a division, who, when appointed, shall be of a rank higher than that of major, or as the inspector of a brigade, who, when appointed, shall be of a rank higher than that of captain, or as the aid of a major-general, who, when appointed, shall be of a rank higher than that of captain, or as the aid of a brigadier-general, who, when appointed, shall be of a rank higher than that of first lieutenant, or as the quartermaster of a division, who, when appointed, shall be of a rank higher than that of captain, or as the quartermaster of a brigade, who, when appointed, shall be of a rank higher than that of first lieutenant, or as an assistant to the adjutant-general, who, when appointed, shall be of a rank higher than that of captain.

Two regiments to a brigade; two brigades to a division, &c.

SEC. 8. *And be it further enacted*, That, in the ordinary arrangement of the army, two regiments of infantry, or cavalry, shall constitute a brigade, and shall be commanded by a brigadier-general; two brigades, a division, and shall be commanded by a major-general. *Provided always*, That it shall be in the discretion of the commanding general to vary this disposition, whenever he shall judge it proper: *And provided also*, That this act shall not render it necessary to appoint any greater number of general officers than have been heretofore authorized by law, sooner than, in the opinion of the President, the military service of the United States shall require it.

Proviso; the commanding general may vary, &c.

Proviso; this act not to render it necessary to appoint a greater number of general officers, &c. sooner, &c.

A commander of the army shall be appointed.

SEC. 9. *And be it further enacted*, That a commander of the army of the United States shall be appointed, and commissioned by the style of "general of the armies of the United States;" and the present office and title of lieutenant-general shall thereafter be abolished.

A quartermaster-general of the army, &c.

SEC. 10. *And be it further enacted*, That there shall be a quartermaster-general of the army of the United States, who shall be entitled to the rank, pay, emoluments, and privileges, of a major-general.

The President may raise a battalion of riflemen, &c.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, to organize, officer, and raise, a battalion of riflemen, to consist of the same number of officers and men, and to be entitled to the same pay and emoluments, whatsoever, as a battalion of infantry of the line.

Deputy quartermasters-general, division and brigade quartermasters, &c. to be chosen by the quartermaster-general, &c.

SEC. 12. *And be it further enacted*, That to any army of the United States, other than that in which the quartermaster-general shall serve, there shall be a deputy quartermaster-general, who shall be a field officer, and who, in addition to his other emoluments, shall be entitled to fifty dollars per month, which shall be in full compensation for his extra services, and

travelling expenses; but the provisions of this act are not to affect the present quartermaster-general of the army of the United States, who, in case a quartermaster-general shall be appointed by virtue of this act, is to act as deputy quartermaster-general, and shall hereafter have the rank of lieutenant-colonel; and that, to every division of an army, there shall be a division quartermaster, who, in addition to his other emoluments, shall be entitled to thirty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that, to every brigade, there shall be a brigade quartermaster, who, in addition to his other emoluments, shall be entitled to twenty-four dollars per month, which shall be in full compensation for his extra services and travelling expenses; each of which officers shall be chosen by the quartermaster-general, from among the regimental officers.

The provision of this act not to affect the present quartermaster-general, &c.

Sec. 13. *And be it further enacted*, That, to any army of the United States, other than that in which the inspector-general shall serve, there shall be a deputy inspector-general, who shall be a field officer, and who, in addition to his other emoluments, shall be entitled to fifty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that, to every division of an army, there shall be a division inspector, who, in addition to his other emoluments, shall be entitled to thirty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that, to every brigade, there shall be a brigade inspector, who, in addition to his other emoluments, shall be entitled to twenty-four dollars per month, which shall be in full compensation for his extra services and travelling expenses; each of which officers shall be chosen by the inspector-general, from among the regimental officers. The deputy inspector-general to be, in every case, approved by the general commanding the army to which he shall be annexed.

Deputy inspector-general, division inspectors, brigade inspectors, to be chosen by the inspector-general, &c.

Sec. 14. *And be it further enacted*, That the adjutant-general of the army shall be, ex-officio, assistant inspector-general, and that every deputy inspector-general shall be, ex-officio, deputy adjutant-general, and shall perform the duties of adjutant-general in the army to which he shall be annexed.

The adjutant-general to be, ex-officio, assistant inspector-general, &c.

Sec. 15. *And be it further enacted*, That the paymaster-general of the armies of the United States, shall always quarter at or near the head-quarters of the main army, or at such place as the commander-in-chief shall deem proper; and that, to the army on the western frontiers, and to detachments from the main army, intended to act separately for a time, he shall appoint deputy paymasters, who shall account to him for the money advanced to them, and shall each give a bond, in the sum of fifteen thousand dollars, with sufficient sureties, for the faithful discharge of their duties, respectively, and take an oath faithfully to execute the duties of their offices; and the several regimental paymasters shall also give bond, in the sum of five thousand dollars, with one or more sufficient sureties, and take an oath, as aforesaid, for the faithful discharge of the duties of

The paymaster-general to quarter at or near headquarters, &c. appoint deputies, &c.

Deputy paymasters to give security, &c.

Regimental paymasters to give bond, &c.

Compensation of the paymaster-general, deputy, &c.

their offices, respectively; and that the paymaster-general shall receive eighty dollars per month, with the rations and forage, of a major, in full compensation for his services and travelling expenses; and the deputy, in addition to his pay, and other emoluments, thirty dollars per month, in full compensation for his extra services and travelling expenses.

Major-general entitled to two aids, &c.

SEC. 16. *And be it further enacted*, That every major-general of the army of the United States shall be entitled to two aids, to be chosen by himself, each of whom, in addition to his pay and other emoluments, in his regiment, shall receive twenty-four dollars per month, and ten dollars per month for forage, when not furnished as aforesaid; and that every brigadier-general of the said army shall be entitled to one aid, to be chosen by himself, who, in addition to his pay and other emoluments, in his regiment, shall receive twenty-four dollars per month, and ten dollars per month for forage, when not furnished as aforesaid.

Brigadier-general entitled to one aid, &c.

The President authorized to appoint two engineers, distinct from the officers of the corps of artillerists, &c.

SEC. 17. *And be it further enacted*, That the President of the United States, be authorized to engage and appoint, distinct from the officers of the corps of artillerists and engineers, two engineers, with the rank of lieutenant-colonel, and to stipulate and allow to them, respectively, such compensations as he shall find necessary and expedient.

An inspector of fortifications to be appointed, &c.

SEC. 18. *And be it further enacted*, That an inspector of fortifications shall be appointed, whose duties shall be assigned by the secretary of war, under the direction of the President of the United States; that the compensation to be allowed to the said inspector, if selected from the corps of artillerists and engineers, in full for his extra services and travelling expenses, shall, besides his pay and emoluments in the corps, be thirty-five dollars per month, and if he shall not be an officer in the artillery or army, he shall, in full compensation for his services and expenses, be allowed the sum of seventy-five dollars monthly, and be entitled to the rank of major in the army of the United States; and in case the said inspector shall be chosen from the corps of artillerists and engineers, or army of the United States, his place therein shall be supplied by promotion, or a new appointment, or both, as may be requisite; but he shall, nevertheless, retain his station in the said corps, or army, and shall rank and rise therein, in the same manner as if he had never been appointed to the said office of inspector.

His compensation, &c.

In case the inspector, &c. be chosen from the corps of artillerists, &c. his place to be supplied by promotion, or, &c.

Inspector to retain his station in the corps nevertheless, &c.

Component parts of a ration of provision, &c.

SEC. 19. *And be it further enacted*, That a ration of provisions shall henceforth consist of eighteen ounces of bread, or flour; or, when neither can be obtained, of one quart of rice, or one and an half pound of sifted, or bolted, Indian meal; one pound and a quarter of fresh beef, or one pound of salted beef, or three quarters of a pound of salted pork; and, when fresh meat is issued, salt, at the rate of two quarts for every hundred rations; soap, at the rate of four pounds, and candles, at the rate of a pound and a half for every hundred rations: *Provided always*, That there shall be no diminution of the ration to

Proviso: no diminution of the ra-

which any of the troops now in service may be entitled by the terms of their enlistment.

tions to which troops in service are entitled, &c.

Articles of uniform clothing for the artillery and infantry, &c.

SEC. 20. *And be it further enacted*, That every non-commissioned officer, private, artificer, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen, and two pair of linen, overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

Suitable clothing to be provided for the dragoons, &c.

SEC. 21. *And be it further enacted*, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed, as near as may be, to the value of the clothing allowed to the infantry and artillery.

Commanding officers, &c. may cause rum, whiskey, &c. to be issued to the troops not exceeding, &c. except, &c.

SEC. 22. *And be it further enacted*, That it shall be lawful for the commander-in-chief of the army, or the commanding officer of any separate detachment, or garrison, thereof, at his discretion, to cause to be issued, from time to time, to the troops under his command, out of such supplies as shall have been provided for the purpose, rum, whiskey, or other ardent spirits, in quantities not exceeding half a gill to each man per day, excepting in cases of fatigue service, or other extraordinary occasions; and that, whensoever supplies thereof shall be on hand, there shall be issued to the troops vinegar, at the rate of two quarts for every hundred rations.

Vinegar to be issued whenever, &c.

Commanding officers may cause clothes to be altered so as to fit, &c.

SEC. 23. *And be it further enacted*, That it shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests, and overalls, or breeches, which may, from time to time, be issued to and for his regiment, to be altered and new made, so as the better to fit them to the persons, respectively, for whose use they shall be delivered, and for defraying the expense of such alteration, to cause to be deducted and applied, out of the pay of such persons, a sum or sums, not exceeding twenty-five cents for each coat, eight cents for each vest, and for each pair of overalls or breeches.

Deduction from pay for the expense of altering clothes, &c.

Clothing camp utensils, &c. to be provided by the secretary of war, by purchase, contracts, &c.

SEC. 24. *And be it further enacted*, That it shall be lawful for the secretary of war to cause to be provided, in each, and every year, all clothing, camp utensils, and equipage, medicines, and hospital stores, necessary for the troops and armies of the United States for the succeeding year, and for this purpose to make purchases, and enter, or cause to be entered, into, all necessary contracts or obligations for effecting the same.

Officers and soldiers discharged, except, &c. allowed pay and rations sufficient to travel to their places of residence, &c.

SEC. 25. *And be it further enacted*, That whenever any officer or soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient to travel from the place where he receives his discharge to the place of his residence, computing at the rate of twenty miles to a day.

Additional allowance to the in-

SEC. 26. *And be it further enacted*, That there shall be allowed to the inspector-general, in addition to his allowance as

spector-general, &c. The inspector-general allowed a secretary, &c.

major-general, and in full compensation for extra services and expenses in the execution of his office, the sum of fifty dollars per month, and that he shall be allowed a secretary, to be appointed by himself, with the pay and emoluments of a captain.

[*Approved, March* 3, 1799.]

CHAPTER 44.

An act to suspend, in part, an act, entitled "An act to augment the army of the United States, and for other purposes."*

Enlistments suspended until the further order of Congress, unless, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That all further enlistments under the second section of an act, entitled "An act to augment the army of the United States, and for other purposes," shall be suspended until the further order of Congress, unless, in the recess of Congress, and during the continuance of the existing differences between the United States and the French republic, war shall break out between the United States and the French republic, or imminent danger of invasion of their territory, by the said republic, shall, in the opinion of the President of the United States, be discovered to exist.

[*Approved, February* 20, 1800.]

CHAPTER 45.

An act to fix the compensation of the paymaster-general, and assistant to the adjutant general.†

The paymaster-general to receive $120 per month, with rations and forage of a major.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the paymaster-general of the army of the United States, shall receive one hundred and twenty dollars per month, with the rations and forage of a major, in full compensation for his services and travelling expenses, to be computed from the commencement of the time of his actual residence at the seat of government, any thing in the "Act for the better organizing of the troops of the United States, and for other purposes,"‡ to the contrary notwithstanding.

The pay of the assistant of the adjutant-general

SEC. 2. *And be it further enacted*, That the pay of the assistant of the adjutant-general, in addition to his pay and other emoluments in the line of the army, shall be forty dollars per

*See the act here partially suspended, chap. 37.
†Repealed by act of 16th March, 1802—See chap. 49. ‡See chap 43.

month, which shall be in full compensation for his extra services and travelling expenses, to be computed from the time of his entering upon actual service. to be $40 per month, additional, &c.

[*Approved, April* 22, 1800.]

CHAPTER 46.

An act fixing the rank and pay of the commanding officer of the corps of marines.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That a lieutenant-colonel commandant shall be appointed to command the corps of marines, and shall be entitled to the same pay and emoluments as a lieutenant-colonel in the army of the United States; any thing in the act for the establishing and organizing a marine corps to the contrary notwithstanding; and that the office of major of the said corps shall thereafter be abolished. A lieutenant-colonel commandant of marines to be appointed, his pay, &c. The office of major abolished.

[*Approved, April* 22, 1800.]

CHAPTER 47.

An act for the regulation of public arsenals and magazines.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the several officers who now are, or hereafter may be, employed in the armories of the United States, shall be entitled to, and shall receive, the following compensations, in addition to their pay as established by law, to wit: A superintendent of such armory, three rations per day, or an equivalent in money; and a master armorer, two rations per day, or an equivalent in money. Additional compensation to officers of the armories, &c. Three rations per day to a superintendent; two rations to a master armourer, &c.

SEC. 2. *And be it further enacted*, That if any person shall procure, or entice, any artificer, or workman, retained or employed in any arsenal, or armory, of the United States, to depart from the same during the continuance of his engagement, or avoid or break his contract with the United States, or who, after due notice of the engagement of any such workman or armorer, in any arsenal or armory, shall, during the continuance of such engagement, retain, hire, or in any wise employ, harbor, or conceal, such artificer or workman, the person so offending shall, upon conviction, be fined, at the discretion of the court, not exceeding fifty dollars, or be imprisoned, for any term not exceeding three months. Fine or imprisonment for enticing artificers or workmen to leave the arsenals or armories of the United States, &c.

SEC. 3. *And be it further enacted*, That if any artificer, or workman, hired, retained, or employed, in any public arsenal or armory, shall, wantonly and carelessly, break, impair, or Artificers or workmen forfeit not exceeding $20 for breaking

*See act of 2d April, 1794, chapter 19.

or destroying implements, or refusing to perform the services lawfully assigned, &c.

destroy, any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States; or shall, wilfully and obstinately, refuse to perform the services lawfully assigned to him, pursuant to his contract, every such person shall forfeit a sum, not exceeding twenty dollars, for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof.

Artificers and workmen in the armories exempted from military service and from serving as jurors, &c.

Sec. 4. *And be it further enacted*, That all artificers, and workmen, who are or shall be employed in the said armories, shall be, and they are hereby, exempted, during their term of service, from all military service, and service as jurors in any court. [*Approved*, *May* 7, 1800.]

CHAPTER 48.

An act supplementary to the act to suspend part of an act, entitled "An act to augment the army of the United States, and for other purposes."

The President may suspend military appointments under the acts mentioned, &c.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be lawful for the President of the United States to suspend any further military appointments under the act to augment the army of the United States, and for other purposes;* and under the ninth section of the act for the better organization of the troops of the United States, and for other purposes,† according to his discretion, having reference to economy and the good of the service.

The President authorized to discharge officers, privates, &c. appointed or raised under the acts mentioned, &c. except the engineers, &c.

Sec. 2. *And be it further enacted*, That the President of the United States shall be, and hereby is, authorized and empowered to discharge, on or before the fifteenth day of June next, all such officers, non-commissioned officers, and privates, as have heretofore been appointed, commissioned, or raised, under and by virtue of the said acts, or either of them, except the engineers, inspector of artillery, and inspector of fortifications: *Provided always*, That nothing in this act contained shall be construed to authorize any reduction of the first four regiments of infantry, the two regiments of artillerists and engineers, the two troops of light dragoons, or of the general and other staff, authorized by the several laws for the establishing and organizing of the aforesaid corps.‡

Proviso; nothing in this act to authorize the reduction of the regiments mentioned.

Three months' pay additional, to be allowed to officers and privates discharged, &c.

Sec. 3. *And be it further enacted*, That to each officer, non-commissioned officer, and private, who shall be discharged from service by virtue of this act, there shall be allowed and paid, in addition to the pay and allowances to which they are now entitled by law, a sum of money equal to three months' pay of such officer, non-commissioned officer and private, respectively. [*Approved*, *May* 14, 1800.]

* See chapter 36. † See chapter 43.

‡ This proviso superseded by the act of 16th March, 1802—See chapter 49.

CHAPTER 49.

An act fixing the military peace establishment of the United States.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the military peace establishment of the United States, from and after the first of June next, shall be composed of one regiment of artillerists, and two regiments of infantry, with such officers, military agents, and engineers, as are hereinafter mentioned.

The military peace establishment to be composed of one regiment of artillerists and two regiments of infantry, &c.

SEC. 2. *And be it further enacted,* That the regiment of artillerists shall consist of one colonel, one lieutenant-colonel, four majors, one adjutant, and twenty companies, each company to consist of one captain, one first lieutenant, one second lieutenant, two cadets, four sergeants, four corporals, four musicians, eight artificers, and fifty-six privates; to be formed into five battalions: *Provided always,* That it shall be lawful for the President of the United States to retain, with their present grade, as many of the first lieutenants, now in service, as shall amount to the whole number of lieutenants required; but that, in proportion as vacancies happen therein, new appointments be made to the grade of second lieutenants, until their number amount to twenty: and each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one sergeant-major, two teachers of music, and ten companies; each company to consist of one captain, one first and one second lieutenant, one ensign, four sergeants, four corporals, four musicians, and sixty-four privates.

Organization of a regiment of artillerists.

Proviso; the President may retain as many of the first lieutenants, &c.

Organization of a regiment of infantry.

SEC. 3. *And be it further enacted,* That there shall be one brigadier-general, with one aid-de-camp, who shall be taken from the captains or subalterns of the line; one adjutant and inspector of the army, to be taken from the line of field officers; one paymaster of the army, seven paymasters, and two assistants, to be attached to such districts as the President of the United States shall direct, to be taken from the line of commissioned officers, who, in addition to their other duties, shall have charge of the clothing of the troops; three military agents, and such number of assistant military agents, as the President of the United States shall deem expedient, not exceeding one to each military post; which assistants shall be taken from the line; two surgeons, twenty-five surgeon's mates, to be attached to the garrisons or posts, and not to corps.

One brigadier-general, with an aid-de-camp, &c.

Adjutant and inspector, &c.

One paymaster of the army, &c.

Paymasters to have charge of clothing, &c.

Military agents, &c.

Surgeons, &c.

* The provisions of this act in regard to pay, subsistence, clothing, allowances for wounds and disabilities, and benefits and allowances generally, are adopted by act of March 3rd, 1815. The residue may be considered as repealed and supplied by that act, and those therein referred to—See chapter 100, sections 4 and 7; see also acts additional to this act, chapters 50, 52, 57 and 64.

Monthly pay to the officers, non-commissioned officers, privates, &c.

SEC. 4. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians, and privates, be as follows, to wit: to the brigadier-general, two hundred and twenty-five dollars, which shall be his full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses, or other perquisite or emolument whatsoever, except such stationary as may be requisite for the use of his department; to the adjutant and inspector of the army, thirty-eight dollars, in addition to his pay in the line, and such stationary as shall be requisite for his department; to the paymaster of the army, one hundred and twenty dollars, without any other emolument, except such stationary as may be requisite in his department, and the use of the public office now occupied by him; to the aid-de-camp, in addition to his pay in the line, thirty dollars; to each paymaster attached to districts, thirty dollars, and each assistant to such paymaster, ten dollars, in addition to his pay in the line; to each military agent, seventy-six dollars, and no other emolument; to each assistant military agent, eight dollars, in addition to his pay in the line; except the assistant military agents at Pittsburg and Niagara, who shall receive sixteen dollars, each, in addition to their pay in the line; to each colonel, seventy-five dollars; to each lieutenant-colonel, sixty dollars; to each major, fifty dollars; to each surgeon, forty-five dollars; to each surgeon's mate, thirty dollars; to each adjutant, ten dollars, in addition to his pay in the line; to each captain, forty dollars; to each first lieutenant, thirty dollars; to each second lieutenant, twenty-five dollars; to each ensign, twenty dollars; to each cadet, ten dollars; to each sergeant-major, nine dollars; to each sergeant, eight dollars; to each corporal, seven dollars; to each teacher of music, eight dollars; to each musician, six dollars; to each artificer, ten dollars; and to each private, five dollars.

Rations for commissioned officers.

SEC. 5. *And be it further enacted*, That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a colonel, six rations; a lieutenant-colonel, five rations; a major, four rations; a captain, three rations; a lieutenant, two rations; an ensign, two rations; a surgeon, three rations; a surgeon's mate, two rations; a cadet, two rations; or money in lieu thereof, at the option of the said officers and cadets, at the posts, respectively, where the rations shall become due; and if at such posts supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question: and each non-commissioned officer, musician, and private, one ration; to the commanding officers of each separate post, such additional number of rations as the President of the United States shall, from time to time, direct, having respect to the special circumstances of each post; to the women who may be allow-

Rations for non-commissioned officers, privates, &c. and additional rations to commanding officers of separate posts, &c.

ed to any particular corps, not exceeding the proportion of four to a company, one ration each; to such matrons and nurses as may be necessarily employed in the hospital, one ration, each; and to every commissioned officer who shall keep one servant, not a soldier of the line, one additional ration.

Rations for women allowed to any corps, &c. Rations to matrons and nurses, &c.

Sec. 6. *And be it further enacted*, That each ration shall consist of one pound and a quarter of beef, or three quarters of a pound of pork, eighteen ounces of bread or flour, one gill of rum, whiskey, or brandy, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and an half of candles, to every hundred rations.

Each ration to consist of the articles, and the quantities mentioned.

Sec. 7. *And be it further enacted*, That the following officers shall, whenever forage is not furnished by the public, receive at the rate of the following sums per month in lieu thereof: each colonel, twelve dollars; each lieutenant-colonel, eleven dollars; each major, ten dollars; each adjutant, six dollars; each surgeon, ten dollars; and each surgeon's mate, six dollars.

Allowance in lieu of forage.

Sec. 8. *And be it further enacted*, That every non-commissioned officer, musician, and private, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen, and two pair of linen, overalls, one coarse linen frock and trowsers for fatigue clothing, four pair of shoes, four shirts, two pair of socks, two pair of short stockings; one blanket, one stock and clasp, and one pair of half gaithers: and the secretary of war is hereby authorized to cause to be furnished to the paymasters of the respective districts, such surplus of clothing as he may deem expedient, which clothing shall, under his direction, be furnished to the soldiers, when necessary, at the contract prices, and accounted for by them out of their arrears of monthly pay.

Uniform clothing for the non-commission'd officers and privates of the artillery and infantry, &c.

The secretary of war to cause the paymasters to be furnished with surplus clothing for the soldiers, at contract prices, &c.

Sec. 9. *And be it further enacted*, That the President of the United States cause to be arranged the officers, non-commissioned officers, musicians, and privates, of the several corps of troops now in the service of the United States, in such manner as to form and complete, out of the same, the corps aforesaid; and cause the supernumerary officers, non-commissioned officers, musicians, and privates, to be discharged from the service of the United States, from and after the first day of April next, or as soon thereafter as circumstances may permit.

The President to form the corps authorized by this act, out of the troops in service, &c.

Supernumerary officers and privates to be discharged, &c.

Sec. 10. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates, of the said corps, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled,* or by such rules and articles as may be hereafter by law established:† *Provided, nevertheless*, That the sentence of general courts-martial, extending to the loss of life, the dismission of a commissioned officer, or which shall respect the

The officers and privates to be governed by the rules and articles of war, established or to be established, &c.

Proviso; sentences of general courts-martial

* See chapter 2, with its supplements.

† See chapter 53.

extending to the loss of life, &c. to be laid before the President, &c.

general officer, shall, with the whole of the proceedings of such cases, respectively, be laid before the President of the United States, who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper.

Recruiting officers entitled to two dollars for every person they enlist, &c. of the description mentioned.

SEC. 11. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, to keep up, by voluntary enlistments, the corps as aforesaid, shall be entitled to receive, for every effective, able bodied citizen of the United States, who shall be duly enlisted by him, for the term of five years, and mustered, of at least five feet six inches high, and between the ages of eighteen and thirty-five years, the sum of two dollars: *Provided, nevertheless*, That this regulation, so far as respects the height and age of the recruit, shall not extend to musicians, or to those soldiers who may reenlist into the service: *And provided, also*, That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent of his parent, or guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Proviso; regulation of height and age not to extend to musicians, &c.

Proviso; no person under 21 to be enlisted without consent of his parent, &c.

Officers enlisting persons contrary to this act to forfeit the bounty and clothing, &c.

Bounty of $12 to each recruit.

SEC. 12. *And be it further enacted*, That there shall be allowed and paid to each effective able bodied citizen, recruited as aforesaid, to serve for the term of five years, a bounty of twelve dollars; but the payment of six dollars of the said bounty shall be deferred, until he shall be mustered and have joined the corps in which he is to serve.

Payment of $6 of the bounty deferred, &c.

Arrears of pay not to exceed 2 months.

SEC. 13. *And be it further enacted*, That the said corps shall be paid in such manner that the arrears shall, at no time, exceed two months, unless the circumstances of the case shall render it unavoidable.

Officers and privates disabled by wounds, &c. to be placed on the list of invalids, at a rate of pay to be directed by the President.

Proviso; compensation for wounds &c. not to exceed half pay of officers, &c.

Rate of compensation for wounds &c. to non-commissioned officers and privates. not to exceed, &c

Proviso; allowance in proportion for inferior disabilities.

SEC. 14. *And be it further enacted*, That if any officer, non-commissioned officer, musician, or private, in the corps composing the peace establishment, shall be disabled by wounds or otherwise, while in the line of his duty, in public service, he shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as may be directed by the President of the United States, for the time being: *Provided always*, That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided, also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Half pay for five years to the widows or children of commissioned officers dying from wounds received in actual service &c.

SEC. 15. *And be it further enacted*, That if any commissioned officer in the military peace establishment of the United States, shall, while in the service of the United States, die, by reason of any wound received in actual service of the United States, and leave a widow, or, if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years. But in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the time, shall go to the child or children of such deceased officer: *Provided always*, That such half pay shall cease on the decease of such child or children.

In case of the intermarriage of the widow, &c. the half pay, &c. to go to the children.

Proviso; the half pay to cease on the death of the children.

The paymaster to perform the duties of his office agreeably to the direction of the President, give bonds, take an oath, appoint district paymasters, &c.

SEC. 16. *And be it further enacted*, That the paymaster shall perform the duties of his office agreeably to the direction of the President of the United States for the time being; and, before he enters on the duties of the same, shall give bonds, with good and sufficient sureties, in such sums as the President shall direct, for the faithful discharge of his said office; and shall take an oath to execute the duties thereof with fidelity: and it shall, moreover, be his duty to appoint from the line, with the approbation of the President of the United States, the several paymasters to districts, and assistants, prescribed by this act; and he is hereby authorized to require the said paymaster to districts, and assistants, to enter into bond, with good and sufficient surety, for the faithful discharge of their respective duties.

Military agents to purchase and forward military stores, goods for Indians, &c.

SEC. 17. *And be it further enacted*, That it shall be the duty of the military agents, designated by this act, to purchase, receive, and forward, to their proper destination, all military stores, and other articles for the troops in their respective departments, and all goods and annuities for the Indians, which they may be directed to purchase, or which shall be ordered into their care by the department of war. They shall account with the department of war, annually, for all the public property which may pass through their hands, and all the moneys which they may expend in discharge of the duties of their offices respectively; previous to their entering on the duties of their offices, they shall give bonds, with sufficient sureties, in such sums as the President of the United States shall direct, for the faithful discharge of the trust reposed in them; and shall take an oath faithfully to perform the duties of their respective offices.

Military agents to account annually, give bonds, take an oath, &c.

Non-commissioned officers and privates deserting, &c. liable to serve out the full term of their enlistments, besides the penalties, &c.

SEC. 18. *And be it further enacted*, That if any non-commissioned officer, musician, or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve, for and during such a period, as shall with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court-martial, and punished, although the term of his

Deserters may be tried and punished although

the term of enlistment may have elapsed, &c.

enlistment may have elapsed previous to his being apprehended or tried.

Persons enticing soldiers to desert, purchasing their arms, &c. or masters of vessels entering a deserter on board among their crews, &c. may be fined or imprisoned.

SEC. 19. *And be it further enacted*, That every person who shall procure, or entice, a soldier in the service of the United States to desert, or who shall purchase from any soldier his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of any court having cognizance of the same, in any sum not exceeding three hundred dollars, or be imprisoned, any term not exceeding one year.

Officers and privates to take an oath.

SEC. 20. *And be it further enacted*, That every officer, non-commissioned officer, musician, and private, shall take and subscribe the following oath or affirmation, to wit; "I, A B, do solemnly swear, or affirm, (as the case may be) that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully, against their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Form of the oath.

When a general court-martial is ordered, the President may appoint a judge advocate with additional pay, &c.

SEC. 21. *And be it further enacted*, That whenever a general court-martial shall be ordered, the President of the United States may appoint some fit person to act as judge-advocate, who shall be allowed, in addition to his other pay, one dollar and twenty-five cents for every day he shall be necessarily employed in the duties of the said court, and in cases where the President shall not have made such appointment, the brigadier-general, or the president of the court may make the same.

If the President does not appoint, the brigadier-general, &c. may.

Reasonable compensation for extra expenses incurred by officers in travelling or sitting on courts-martial, &c.

SEC. 22. *And be it further enacted*, That where any commissioned officer shall be obliged to incur any extra expense in travelling, and sitting on general courts-martial, he shall be allowed a reasonable compensation for such extra expense, actually incurred, not exceeding one dollar and twenty-five cents per day to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

SEC. 23. *And be it further enacted*, That no non-commissioned officer, musician, or private, shall be arrested, or subject to arrest, or to be taken in execution, for any debt under the sum of twenty dollars, contracted before enlistment, nor for any debt contracted after enlistment.

Officers and soldiers honorably discharged, to be allowed pay and rations for the time of travelling

SEC. 24. *And be it further enacted*, That, whenever any officer or soldier shall be discharged from the service, except by way of punishment for any offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of

discharge to the place of his residence, computing at the rate of twenty miles to a day. to their respective residences, &c.

SEC. 25. *And be it further enacted*, That to each commissioned officer, who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law at the time of their discharge, to each officer whose term of service in any military corps of the United States shall not have exceeded three years, three months' pay; to all other officers, so deranged, one months' pay of their grades, respectively, for each year of past service in the army of the United States, or in any regiment or corps now or formerly in the service thereof. Additional pay allowed to officers deranged by this act.

SEC. 26. *And be it further enacted*, That the President of the United States is hereby authorized and empowered, when he shall deem it expedient, to organize and establish a corps of engineers, to consist of one engineer, with the pay, rank, and emoluments of a major; two assistant engineers, with the pay, rank, and emoluments of captains; two other assistant engineers, with the pay, rank, and emoluments, of first lieutenants; two other assistant engineers, with the pay, rank, and emoluments, of second lieutenants; and ten cadets, with the pay of sixteen dollars per month, and two rations per day: and the President of the United States is, in like manner, authorized, when he shall deem it proper, to make such promotions in the said corps, with a view to particular merit, and without regard to rank, so as not to exceed one colonel, one lieutenant-colonel, two majors, four captains, four first lieutenants, four second lieutenants, and so as that the number of the whole corps shall, at no time, exceed twenty officers and cadets. The President may organize a corps of engineers, &c. Corps of engineers to be composed of the officers mentioned. Cadets and their pay, &c. The President may make promotions in the corps of engineers, with a view to particular merit, &c. so as not to exceed, &c.

SEC. 27. *And be it further enacted*, That the said corps, when so organized, shall be stationed at West Point, in the state of New York, and shall constitute a military academy; and the engineers, assistant engineers, and cadets of the said corps, shall be subject, at all times, to do duty in such places, and on such service, as the President of the United States shall direct. The corps of engineers to be stationed at West Point, constitute an academy, and subject to duty as the President may direct.

SEC. 28. *And be it further enacted*, That the principal engineer, and, in his absence, the next in rank, shall have the superintendence of the said military academy, under the direction of the President of the United States; and the secretary of war is hereby authorized, at the public expense, under such regulations as shall be directed by the President of the United States, to procure the necessary books, implements, and apparatus, for the use and benefit of the said institution. The principal engineer to superintend the military academy, &c. The secretary of war to procure the necessary books, &c.

SEC. 29. *And be it further enacted*, That so much of any act or acts, now in force, as comes within the purview of this act, shall be, and the same is hereby, repealed; saving, nevertheless, such parts thereof as relate to the enlistments, or term of service, of any of the troops which by this act are continued on the present military establishment of the United States. Acts, &c. within the purview of this act, repealed; saving, &c.

[*Approved March* 16, 1802.]

CHAPTER 50.

An act in addition to an act, entitled "An act fixing the military peace establishment of the United States."

Two teachers of music to be added to the artillerists, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there be added to the regiment of artillerists, two teachers of music, whose pay, rations, and clothing, shall be the same as is by law allowed to the teachers of music in the regiments of infantry in the service of the United States.

The President to appoint a teacher of the French language, and a teacher of drawing, to the corps of engineers, &c.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint one teacher of the French language, and one teacher of drawing, to be attached to the corps of engineers, whose compensation shall not exceed the pay and emolument of a captain in the line of the army.

The commanding officer of the corps of engineers authorized to enlist for 3 years one artificer and eighteen men, &c.

SEC. 3. *And be it further enacted*, That the commanding officer of the corps of engineers be authorized to enlist, for a term not less than three years, one artificer, and eighteen men, to aid in making practical experiments, and for other purposes; to receive the same pay, rations, and clothing, as are allowed to the artificers and privates in the army of the United States; and the same bounty when enlisted for five years, and to be subject to the rules and articles of war.*

The President authorized to allow to the officers mentioned, not exceeding 3,000 dolls. for clerk hire, &c.

SEC. 4.† *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to allow to the paymaster of the army, the adjutant and inspector of the army, and the military agent at Philadelphia, such sums, not exceeding, in the whole, three thousand dollars, for clerk hire, as their respective duties may, in his opinion, reasonably require.

[*Approved, February* 28, 1803.]

CHAPTER 51.

An act directing a detachment from the militia of the United States, and for erecting certain arsenals.

[EXTRACT.]

$25,000 appropriated for erecting one or more arsenals on the western waters, &c.

SEC. 5.‡ *And be it further enacted*, That twenty-five thousand dollars be appropriated for erecting, at such place or places, on the western waters, as the President may judge most proper, one or more arsenals; and that the President cause the same to be furnished with such arms, ammunition, and military stores, as he may deem necessary.

[*Approved, March* 3, 1803.]

* See chapter 71, section 1.

† Superseded by subsequent provisions in the civil list.

‡ The residue of this act relates exclusively to detaching a body of militia, and is, therefore, not inserted here.

CHAPTER 52.

An act in addition to "An act for fixing the military peace establishment of the United States."*

Not exceeding six surgeon's mates may be appointed, to be attached to garrisons or posts, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there shall be appointed, in addition to the surgeon's mates provided for by the "Act fixing the military peace establishment of the United States," as many surgeon's mates, not exceeding six, as the President of the United States may judge necessary, to be attached to garrisons or posts, agreeably to the provision of the said act.

An equivalent in malt liquor, or low wines, may be supplied the troops, instead of rum, &c.

SEC. 2. *And be it further enacted*, That an equivalent in malt liquor, or low wines, may be supplied the troops of the United States, instead of the rum, whiskey, or brandy, which, by the said act, is made a component part of a ration, at such posts and garrisons, and at such seasons of the year, as, in the opinion of the President of the United States, may be necessary for the preservation of their health.

[*Approved*, *March* 26, 1804.]

CHAPTER 53.

An act for establishing rules and articles for the government of the armies of the United States.†

Rules and articles by which the armies of the U. States are to be governed, after the passing of this act.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

Every officer to subscribe these rules and regulations.

ARTICLE 1. Every officer now in the army of United States shall, in six months from the passing of this act, and every officer who shall hereafter be appointed shall, before he enters on the duties of his office, subscribe these rules and regulations.

Officers and soldiers diligently to attend divine service, and behave decently and reverently, under pain of reprimand, fine, &c.

ART. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service, and all officers who shall behave indecently or irreverently at any place of divine worship shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay;

* Original act, chapter 49.

† These rules and articles, with the exceptions indicated by the notes annexed to articles 20, 65, and 87, remain unaltered and in force at present.

for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied, by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Reprimand, fine, &c. for using profane oaths, or execrations, &c

ART. 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay, for each and every such offence, one dollar, to be applied as in the preceding article.

Chaplains absenting themselves, except, &c. liable to fine or discharge, &c.

ART. 4. Every chaplain, commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him, (excepting in cases of sickness or leave of absence) shall, on conviction thereof before a court-martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court-martial shall judge proper.

Officers using contemptuous words against the President, Vice President, Congress, &c. to be cashiered, &c. and non-commissioned officers and soldiers to suffer punishment by sentence of a court-martial.

ART. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the Chief Magistrate or legislature of any of the United States in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court-martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial.

Officers or soldiers behaving with disrespect towards commanding officers, to be punished by judgment of court-martial.

ART. 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished, according to the nature of his offence, by the judgment of a court-martial.

Death, &c. for beginning or exciting mutiny, &c.

ART. 7. Any officer or soldier who shall begin, excite, cause, or join in, any mutiny or sedition in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Officers or soldiers, present at a mutiny, and not endeavoring to suppress it, &c. to be punished with death, or otherwise, &c.

ART. 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court-martial, with death, or otherwise, according to the nature of his offence.

Officers or soldiers striking a superior, &c. to suffer death, or other punishment, &c.

ART. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

Non-commis-

ART. 10. Every non-commissioned officer or soldier, who

shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or, where recourse cannot be had to the civil magistrate, before the judge advocate, and, in his presence, shall take the following oath or affirmation: "I, A B, do solemnly swear, or affirm, (as the case may be) that I will bear true allegiance to the United States of America, and that I will serve them, honestly and faithfully, against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States:" Which justice, magistrate, or judge advocate, is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

Commissioned officers and soldiers to have the articles for the government of the armies read to them, and take an oath, &c.

Form of the oath.

The justice, &c. to give a certificate that the oath was taken.

ART. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer, or soldier, before his term of service has expired, but by order of the President, the secretary of war, the commanding officer of a department, or the sentence of a general court-martial; nor shall a commissioned officer be discharged the service but by order of the President of the United States, or by sentence of a general court-martial.

Non-commissioned officers and soldiers not to be dismissed the service without a discharge in writing.

No discharge sufficient unless signed by a field officer, &c.

No discharge, &c. before the term of service has expired, but by order of the President, &c.

Commissioned officers not to be discharged the service but by order of the President, &c.

ART. 12. Every colonel, or other officer, commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack, of the United States, (his field officer being absent) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

Colonels, &c. quartered with their regiments, &c. may give furloughs to non-commissioned officers or soldiers, &c.

Captains, &c. commanding, &c. may give furloughs to non-commissioned officers or soldiers, for 20 days in six months, but not, &c.

ART. 13. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop, or company, certificates signed by himself, signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop, or com-

At every muster the comanding officer, &c. to give to the commissary of musters, certificates, &c. signifying how long officers not appearing have been absent, and the reason of it.

Commanding officers of troops or

companies to give certificates of the absence of privates, &c.

pany, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and time of absence, shall be inserted in the muster rolls, opposite the names of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted, by the commissary of musters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

The certificates, &c. to be remitted to the department of war, &c.

Officers convicted of having signed false certificates, &c. to be cashiered.

ART. 14. Every officer who shall be convicted, before a general court-martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

Officers making false musters, or signing false muster rolls, &c. to be cashiered and disabled to hold any office, &c.

ART. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters who shall willingly sign, direct, or allow, the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Commissaries of musters, &c. convicted of taking money, or other gratification, on mustering, or signing muster rolls, to be displaced, &c.

ART. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money, or other thing, by way of gratification, on mustering any regiment, troop, or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Officers mustering persons as soldiers, who are not soldiers, deemed guilty of a false muster, &c.

ART. 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

Officers making false returns to the department of war, &c. to be cashiered.

ART. 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison, under his command; or of the arms, ammunition, clothing, or other stores, thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

Commanding officers of regiments, &c. to remit in the beginning of every month, to the department of war, an exact return of the regiment, &c. specifying the names of officers absent, &c.

ART. 19. The commanding officer of every regiment, troop, or independent company, or garrison, of the United States, shall, in the beginning of every month, remit, through the proper channels, to the department of war, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of, their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished, according to the nature of his crime, by the judgment of a general court-martial.

Officers neglecting to send returns, to be punished, &c.

ART. 20. All officers and soldiers who have received pay, or have been duly enlisted, in the service of the United States, and shall be convicted of having deserted the same, shall suffer

Officers and soldiers convicted of

death, or such other punishment as, by sentence of a court-martial, shall be inflicted.* desertion, &c. to suffer death or other punishment, &c.

ART. 21. Any non-commissioned officer or soldier who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished, according to the nature of his offence, at the discretion of a court-martial. Non-commissioned officers or soldiers absenting themselves without leave, to be punished, &c.

ART. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered. Non-commissioned officers or soldiers not to enlist in any other regiment, &c. without a regular discharge, &c. Officers knowingly receiving deserters, &c. or not giving notice, &c. to be cashiered.

ART. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court-martial. Officers or soldiers persuading others to desert, to suffer death, or other punishment, &c.

ART. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer. Officers or soldiers using reproachful or provoking speeches, etc. to be put in arrest, or confined, &c.

ART. 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court-martial. Officers and soldiers neither to send or accept challenges, on pain of being cashiered, or of suffering corporeal punishment, &c.

ART. 26. If any commissioned or non-commissioned officer, commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters, and carriers, of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer, commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given, or accepted by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders. Officers commanding guards, knowingly suffering persons to go forth to fight duels, to be punished as challengers; and seconds, &c. to be deemed principals, &c. Every officer commanding an army, regiment, &c. knowing to a challenge being given, &c. to arrest and bring offenders to a trial, &c.

ART. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and who- All officers have power to quell quarrels, frays, &c.

*Modified by act of 28th May, 1830—See chapter 148.

Whoever refuses to obey, &c. to be punished, &c.

soever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

Officers or soldiers upbraiding another for refusing a challenge, to be punished as challengers, &c.

ART. 28. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace, or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

Sutlers not permitted to sell liquors, &c. after nine at night, nor before beating of reveille, nor on Sundays during divine service, &c.

ART. 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveille, or upon Sundays during divine service or sermon, on the penalty of being dismissed from all future sutling.

Commanding officers to see that sutlers supply the soldiers with wholesome provisions, &c.

ART. 30. All officers commanding in the field, forts, barracks, or garrisons, of the United States, are hereby required to see that the persons permitted to sutle shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

Officers commanding in garrisons, forts, &c. not to exact exorbitant prices for houses, &c. let out to sutlers, nor be interested in the sale of victuals, liquors, &c. on penalty of being discharged.

ART. 31. No officer commanding in any of the garrisons, forts, or barracks, of the United States, shall exact exorbitant prices for houses or stalls let out to sutlers, or connive at the like exactions in others; nor, by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life, brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Commanding officers, to keep good order, redress abuses, and see reparation made to the parties injured, &c.

ART. 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command. If, upon complaint made to him, of officers or soldiers beating, or otherwise ill treating, any person, of disturbing fairs or markets, or of committing any kinds of riots, to the disquieting of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court-martial shall direct.

When any commissioned officer or soldier is accused of a capital crime, or of having committed any offence against the persons or property of citizens, &c.

ART. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence, against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the person or persons so accused shall belong, are hereby required,

upon application duly made by, or in behalf of, the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers, so offending, shall be cashiered.

the commanding officers, etc. are required upon application, etc. to use their utmost endeavors to deliver the accused to the civil magistrate, etc.

If any commanding officer, etc. neglects or refuses to deliver over the accused, etc. he is to be cashiered.

ART. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general, commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the department of war, a true state of such complaint, with the proceedings had thereon.

If any officer think himself wronged by his colonel, etc. and, upon application, is refused redress, he may complain to the general, who is to examine into the complaint, etc.

ART. 35. If any inferior officer or soldier shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial, either party may, if he thinks himself still aggrieved, appeal to a general court-martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person, so appealing, shall be punished at the discretion of the said court-martial.

If any inferior officer or soldier think himself wronged by his captain, etc. he is to complain to the commanding officer of the regiment, who is required to summon a regimental court-martial; appeal, etc.

If the appeal appear vexatious, the person [appealing may be punished, etc.

ART. 36. Any commissioned officer, storekeeper, or commissary, who shall be convicted, at a general court-martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled or damaged, shall, at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

Commissioned officers, store-keepers, etc. convicted of having sold without a proper order, etc. any provisions, forage, arms, etc. or negligently suffered any of them to be spoiled, etc. to make good the loss, forfeit pay, etc.

ART. 37. Any non-commissioned officer or soldier who shall be convicted, at a regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

Non-commissioned officers or soldiers convicted of having sold or wasted ammunition, etc. to be punished.

ART. 38. Every non-commissioned officer or soldier who shall be convicted, before a court-martial, of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court-martial shall judge sufficient

Non-commissioned officers or soldiers convicted of having sold, lost, or spoiled, their horses, arms, clothes, etc. to undergo weekly stoppages of pay, etc.

for repairing the loss or damage; and shall suffer confinement, or such other corporeal punishment as his crime shall deserve.

Officers convicted of embezzlement or misapplication of money intrusted to them for the payment of men, etc. to be cashiered, and compelled to refund; if non-commissioned officers, to be reduced, etc.

ART. 39. Every officer who shall be convicted, before a court-martial, of having embezzled or misapplied any money, with which he may have been intrusted for the payment of the men under his command, or for enlisting men into the service, for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court-martial shall direct.

Every captain of a troop or company accountable for the arms, accoutrements, etc. belonging to the company or troop, etc.

ART. 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores, belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

Non-commissioned officers and soldiers found one mile from camp without leave in writing, etc. to suffer punishment, etc.

ART. 41. All non-commissioned officers and soldiers who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

No officer or soldier to lie out of quarters, etc. without leave, etc.

ART. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

Non-commissioned officers and soldiers to retire to their tents at the beating of the retreat, etc.

ART. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

No officer or soldier to fail in repairing to the place of parade if not prevented by sickness, etc. nor leave it before being regularly dismissed, etc.

ART. 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

Any commissioned officer found drunk on guard, etc. to be cashiered; and soldiers, etc. in that case, to suffer corporeal punishment, etc.

ART. 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court-martial.

Sentinels sleeping on their posts, etc. to suffer death, etc.

ART. 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

No soldier to hire another to do his duty for him, or be

ART. 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be ex-

cused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished, at the discretion of a regimental court-martial.

excused, but in cases of sickness, etc.

ART. 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court-martial.

Non-commissioned officers conniving at hiring of duty, to be reduced, and commissioned officers, knowing and allowing it, to be punished, etc.

ART. 49. Any officer belonging to the service of the United States, who, by discharging of fire arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Any officer who occasions false alarms in camp, etc. to suffer death, or other punishment.

ART. 50. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished, according to the nature of his offence, by the sentence of a court-martial.

Officers or soldiers, without urgent necessity or leave, quitting guard, etc. to be punished, etc.

ART. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters, of the forces of the United States, employed in any parts out of the said States, upon pain of death, or such other punishment as a court-martial shall direct.

Officers and soldiers not to do violence to persons bringing provisions to camp, etc. out of the U. States, on pain of death, etc.

ART. 52. Any officer or soldier, who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Officers or soldiers who misbehave before the enemy, run away, etc. to suffer death, or other punishment, etc.

ART. 53. Any person belonging to the armies of the United States, who shall make known the watch word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watch word, different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Persons belonging to the armies making known the watch word, etc. to suffer death, or other punishment.

ART. 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses, or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever; belonging to the inhabitants, of the United States, unless by order of the then commander-in-chief of the armies of the said States, shall (besides such penalties as they are liable to by law) be punished, according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

Officers and soldiers to behave orderly in quarters, etc. and such as commit waste, etc. unless by order of the commander-in-chief, etc. to be punished, etc.

Whosoever, in foreign parts, forces a safe guard, is to suffer death.

ART. 55. Whosoever, belonging to the armies of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

Whosoever relieves the enemy with money, victuals, etc. is to suffer death, or other punishment, etc.

ART. 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

Death, or other punishment, etc. for holding correspondence with, or giving intelligence to, the enemy, etc.

ART. 57. Whosoever shall be convicted of holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

Public stores taken in the enemy's camp, etc. to be secured for the service of the United States, etc.

ART. 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

Death, etc. for the officers and soldiers of any garrison, etc. compelling a commander to give up to the enemy, etc.

ART. 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

Sutlers and retainers subject to orders, etc.

ART. 60. All sutlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Officers having brevets or commissions of a prior date to those of the regiment in which they serve may take place, etc. according to the ranks given them, etc.

ART. 61. Officers having brevets or commissions of a prior date to those of the regiment in which they serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company, to which such officers belong, they shall do duty and take rank, both in courts-martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

If, upon marches, etc. different corps happen to join, etc. the officer highest in rank, etc. to command, unless, etc.

ART. 62. If, upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

Engineers not to assume, nor be subject to, any duty beyond the line of their immediate profession, except, etc.

ART. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on, any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect to which their rank in the army may entitle them, respectively, and are liable to

be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

ART. 64. General courts-martial may consist of any number of commissioned officers, from five to thirteen, inclusively; but they shall not consist of less than thirteen, where that number can be convened, without manifest injury to the service.

General courts-martial may consist of any number of commissioned officers, from 5 to 13, etc.

ART. 65.* Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts-martial, whenever necessary. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court-martial, in time of peace, extending to the loss of life, or the dismission of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the secretary of war, to be laid before the President of the United States, for his confirmation or disapproval, and orders, in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer, for the time being, as the case may be.

General officers, or colonels, commanding, etc. may appoint general courts-martial, etc.

No sentence of a court-martial to be carried into execution until the proceedings have been laid before the officer ordering it, etc.

No sentence of a general court-martial in time of peace, extending to loss of life, etc. or which, in peace or war, respects a general officer, to be carried into execution until the proceedings have been laid before the President, etc.

ART. 66. Every officer commanding a regiment or corps, may appoint, for his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places, where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

Officers commanding regiments or corps, may appoint courts-martial, etc. for offences not capital.

Officers commanding garrisons, etc. may assemble courts-martial, etc.

ART. 67. No garrison or regimental court-martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

No garrison or regimental court-martial empowered to try capital cases, etc.

ART. 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts-martial and trying offenders belonging to either; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be received and obeyed.

Whenever convenient, etc. the officers of marines shall be associated with officers of the land force, for holding courts-martial, etc.

ART. 69. The judge-advocate, or some person deputed by him, or by the general, or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or

The judge-advocate, etc. to prosecute in the name of the U. States, but shall consider himself counsel for the prisoner, so far, etc.

* Modified by act of 29th May, 1830—see chap. 147.

any question to the prisoner, the answer to which might tend to criminate himself; and administer, to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts-martial:

The judge-advocate to administer an oath to each member of the court, etc.

Form of the oath.

"You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried; and that you will duly administer justice, according to the provisions of 'An act establishing rules and articles for the government of the armies of the United States,' without partiality, favor, or affection: and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases: and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority: neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

The President of the court to administer an oath to the judge-advocate.

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

Form of the judge-advocate's oath.

"You, A B, do swear, that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

When a prisoner, from obstinacy, etc. stands mute, etc. the court may proceed to trial, etc.

ART. 70. When a prisoner arraigned before a general court-martial shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

When a member is challenged by a prisoner he must state the cause, etc.

ART. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

Members to behave with decency; and the youngest in commission to vote first.

ART. 72. All the members of a court-martial are to behave with decency and calmness; and, in giving their votes, are to begin with the youngest in commission.

Witnesses to be examined on oath.

ART. 73. All persons who give evidence before a court-martial, are to be examined on oath or affirmation, in the following form:

Form of the oath of a witness.

"You swear, or affirm, (as the case may be) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

In cases not capital, etc. depositions may be taken, and

ART. 74. On the trials of cases not capital, before courts-martial, the deposition of witnesses, not in the line or staff of

the army, may be taken before some justice of the peace, and read in evidence: *Provided*, the prosecutor and the person accused are present at the taking the same, or are duly notified thereof.

read, etc, provided, the prosecutor and accused are present, etc.

ART. 75. No officer shall be tried but by a general court-martial, nor by officers of an inferior rank, if it can be avoided: nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning, and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court-martial, require immediate example.

No officer to be tried but by a general court-martial, etc.

No proceedings except between eight and three, unless, etc.

ART. 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court-martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court-martial.

No person to use menacing words or gestures, etc. in presence of a court-martial, etc.

ART. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement, before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

When an officer is charged with a crime he is to be arrested, deprived of his sword, etc.

ART. 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined, until tried by a court-martial, or released by proper authority.

Non-commissioned officers and soldiers charged with crimes to be confined until tried, etc.

ART. 79. No officer or soldier who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court-martial can be assembled.

Officers and soldiers in arrest not to continue in confinement more than eight days, etc.

ART. 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

No officer commanding a guard etc. to refuse to receive a prisoner, provided, etc.

ART. 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court-martial.

No officer commanding a guard etc. to release any person committed to his charge, etc.

ART. 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court-martial.

Officers to whom prisoners are committed, to make report, etc. within 24 hours, of their names, crimes, etc.

ART. 83. Any commissioned officer, convicted before a general court-martial, of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

Commissioned officers convicted, etc. of conduct unbecoming an officer, etc. to be dismissed, etc.

ART. 84. In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and

In cases where a court-martial suspends an officer from command, they are empower-

ed to suspend his pay and emoluments, etc.

emoluments for the same time, according to the nature and heinousness of the offence.

Where a commissioned officer is cashiered for cowardice or fraud, the crime, name, etc. of the delinquent, to be published, in the newspapers, etc.

ART. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added, in the sentence, that the crime, name, and place of abode and punishment, of the delinquent, be published in the newspapers in and about the camp, and of the particular state from which the offender came, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

Where the number of officers is not adequate to form a general court-martial, the commanding officer of the detachment, etc. to report to the commanding officer of the department, etc.

ART. 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court-martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

No person to be sentenced to death, but by the concurrence of two-thirds of the members of a general court-martial, etc. nor more than fifty lashes to be inflicted.

ART. 87.* No person shall be sentenced to suffer death, but by the concurrence of two-thirds of the members of a general court-martial, nor except in the cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court-martial; and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

No person liable to be tried and punished by a general court-martial for any offence committed more than two years before, unless, etc.

ART. 88. No person shall be liable to be tried and punished by a general court-martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

Every officer authorized to order a general court-martial, empowered to pardon or mitigate any punishment, etc. except, etc.

ART. 89. Every officer authorized to order a general court-martial, shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend, until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court-martial, the said officer shall immediately transmit to the President, for his determination.

The colonel, etc. of a regiment or garrison, etc. may pardon or mitigate, etc.

And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court-martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

Judge-advocates, etc. to transmit, as expeditiously as possible, the origi-

ART. 90. Every judge-advocate, or person officiating as such, at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of

* So much of these rules and articles as authorizes the infliction of corporeal punishment by stripes or lashes, was specially repealed by act of 16th May, 1812—See chapter 74, section 7. By act of 2d March, 1833, chap. 159, the repealing act was repealed, so far as it applied to the crime of desertion, which, of course, revived the punishment by lashes for that offence.

place can admit, the original proceedings and sentence of such court-martial to the secretary of war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

nal proceedings and sentences of general courts-martial to the secretary of war, in whose office they shall be preserved.

The party tried by any general court-martial shall, upon demand thereof, made by himself or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court-martial.

The party tried by a general court-martial entitled to a copy of the sentence, etc.

ART. 91. In cases where the general, or commanding officer, may order a court of inquiry, to examine into the nature of any transaction, accusation, or imputation, against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge-advocate, or other suitable person, as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath; but they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

Where the general, etc. may order a court of inquiry, etc. the court to consist of not exceeding three, and a judge-advocate, etc. to be sworn, etc.

Courts of inquiry to have the same power as courts-martial to summon witnesses, etc. but are not to give an opinion unless specially required, etc.

ART. 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer: and the said proceedings may be admitted as evidence by a court-martial, in cases not capital, or extending to the dismission of an officer: *Provided*, That the circumstances are such that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Proceedings of courts of inquiry to be authenticated by the signatures of the recorder and president, etc. and may be admitted as evidence by courts-martial in cases not capital, etc. provided, etc.

Courts of inquiry prohibited, unless directed by the President, etc.

ART. 93. The judge-advocate, or recorder, shall administer to the members the following oath:

The judge-advocate, etc. to administer an oath to the members.

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God."

Form of the oath.

After which, the president shall administer to the judge-advocate, or recorder, the following oath:

The president of the court to administer an oath to the judge-advocate.

"You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing: So help you God."

Form of judge-advocate's oath.

The witnesses shall take the same oath as witnesses sworn before a court-martial.

Witnesses to take the oath, etc.

When a commissioned officer dies, etc. the major of the regiment, etc. is immediately to secure all his effects, etc. make an inventory, and transmit it to the war department, etc.

ART. 94. When any commissioned officer shall die, or be killed, in the service of the United States, the major of the regiment, or, the officer doing the major's duty in his absence, or, in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the department of war, to the end that his executors or administrators may receive the same.

When a non-commissioned officer or soldier dies, etc. the commanding officer of the troop, etc. is to take an account of what effects he died possessed of, etc. and transmit it to the department of war, etc. and the effects to be accounted for, etc.

ART. 95. When any non-commissioned officer or soldier shall die, or be killed, in the service of the United States, the then commanding officer of the troop, or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the department of war; which said effects are to be accounted for, and paid, to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment, or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposite, in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

In case officers authorized to take care of the effects of deceased officers and soldiers, have occasion to leave the regiment, etc. they are to deposite the effects in the hands of the commanding officer, etc.

Officers, etc. in the corps of engineers, etc. to be governed by the preceding rules, etc.

ART. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay, or hire, in the service of the artillery, or corps of engineers, of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Officers and soldiers of any troops, militia or others, being mustered, etc. when acting with regular forces to be governed by these rules and articles, subject to be tried by courts-martial, etc. save that the courts are to be composed of militia officers.

ART. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times, and in all places, when joined, or acting in conjunction, with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers in the regular forces, save only that such courts-martial shall be composed entirely of militia officers.

Officers serving by commission from the authority of any particular state, when employed in conjunction with the regular forces, to take rank next after all officers of like grade in the regular forces, etc.

ART. 98. All officers serving by commission from the authority of any particular state, shall, on all detachments, courts-martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

ART. 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

All crimes not capital, and all disorders, and neglects, &c. though not mentioned in the preceding articles, to be taken cognizance of by courts-martial.

ART. 100. The President of the United States shall have power to prescribe the uniform of the army.

The President empowered to prescribe the uniform of the army.

ART. 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop, or company, mustered, or to be mustered, in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be, in said service.

The foregoing articles to be read and published, once in every six months, to every garrison or regiment, &c.

SEC. 2. *And be it further enacted*, That, in time of war, all persons not citizens of, or owing allegiance to, the United States of America, who shall be found lurking, as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general-court martial.

In time of war aliens found lurking about fortifications or the encampments of the armies, to suffer death, &c.

SEC. 3. *And be it further enacted*, That the rules and regulations by which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them prior to the promulgation of this act, at the several posts and garrisons, respectively, occupied by any part of the army of the United States.

The rules and regulations by which the armies have been heretofore governed, to be henceforth void, &c. except, &c.

[*Approved, April* 10, 1806.]

CHAPTER 54.

An act authorizing the employment of the land and naval forces of the United States, in cases of insurrection.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual state or territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the pre-requisites of the law in that respect.

In all cases of insurrection, or obstruction of the laws, &c. where it is lawful for the President to call forth the militia, &c. he is authorized to employ the land or naval force, for suppressing or enforcing, &c.

[*Approved, March* 3, 1807.

CHAPTER 55.

An act supplementary to an act, entitled "An act for fortifying the ports and harbors of the United States, and for building gun boats."*

The President authorized to cause fortifications heretofore built or commenced, &c. to be repaired or completed and other works to be erected, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States is hereby authorized to cause such of the fortifications heretofore built or commenced, as he may deem necessary, to be repaired or completed, and such other fortifications and works to be erected as will afford more effectual protection to our ports and harbors, and preserve therein the respect due to the constituted authorities of the nation; and that the sum of one million of dollars, in addition to the sums heretofore appropriated, be, and the same is hereby, appropriated for that purpose, out of any money in the treasury, not otherwise appropriated.

$1,000,000 additional, appropriated for the purpose, &c.

[*Approved, January* 8, 1808.]

CHAPTER 56.

An act authorizing the sale of public arms.†

The President authorized to cause arms owned by the U. S. to be sold to individual states, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby, authorized to cause to be sold to individual states who may wish to purchase, any arms now owned by the United States, and which may be parted with without injury to the public. Accounts of such sales shall be laid before Congress, and the money arising therefrom be, and the same is hereby, appropriated, under the direction of the President of the United States, to the purchase or manufacture of other arms for the use of the United States: *Provided*, That such arms be not delivered to any state or their agents, until the payment of the purchase money be first made into the treasury of the United States, in money, or in the stock of the United States, at its value, as established by an act, entitled, "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment for the lands of the United States, and for other purposes relative to the public debt:" *Provided, also*, That this provision shall not extend to any purchase, not exceeding five thousand stand of arms, which shall be made by a state to which the United States, by existing engagements, are bound to pay a sum of money, equal to the amount of such purchase.

Accounts of sales to be laid before Congress, and the money appropriated to the purchase of other arms, &c.

Proviso; the arms not to be delivered to any state until the payment of the purchase money, &c.

Proviso; the preceding proviso not to extend to any purchase, &c. made by a state to which the U. S. are bound to pay a sum of money, &c.

[*Approved, April* 2, 1808.]

*The act to which this is supplementary, relates chiefly to the building and equipping of gun boats, and is, therefore, not comprised in this volume.

†See chapter 136, and appendix, chapter 4.

CHAPTER 57.

An act to raise, for a limited time, an additional military force.*

Five regiments of infantry, one of riflemen, one of light artillery, and one of light dragoons, to be enlisted, for five years, in addition to the present military establishment.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, in addition to the present military establishment of the United States, there be raised five regiments of infantry, one regiment of riflemen, one regiment of light artillery, and one regiment of light dragoons, to be enlisted for the term of five years, unless sooner discharged.

Organization of regiments.

SEC. 2. *And be it further enacted,* That the said regiments of infantry, riflemen, and artillery, shall consist of ten companies each, and the regiment of light dragoons of eight troops; and the field and staff officers of each regiment, of one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one paymaster, one surgeon, one surgeon's mate, one sergeant-major, one quartermaster-sergeant, two principal musicians, and, for the regiment of light dragoons, one riding master; each company of infantry and riflemen to consist of one captain, one first and one second lieutenant, one ensign, two cadets, four sergeants, four corporals, two musicians, and sixty-eight privates; each company of artillery, of one captain, one first and one second lieutenant, two cadets, four sergeants, four corporals, two musicians, eight artificers, and fifty-eight matrosses; and each troop of light dragoons, of one captain, one first and one second lieutenant, one cornet, two cadets, four sergeants, four corporals, two musicians, one saddler, one farrier, and sixty-four privates.

Organization of companies and troops.

When, a suitable proportion of the troops have been raised, two additional brigadier-generals may be appointed, &c.

SEC. 3. *And be it further enacted,* That when, in the opinion of the President of the United States, a suitable proportion of the troops authorized by this act shall be raised, there may be appointed two additional brigadier-generals, who shall be entitled to one aid-de-camp each, to be taken from the subalterns of the line; two brigade inspectors, and two brigade quartermasters; and such number of hospital surgeons, and surgeon's mates, as the service may require, but not exceeding five surgeons and fifteen mates, with one steward, and one ward-master to each hospital; the brigade inspectors appointed under this act shall be taken from the line; and the brigade quartermasters, the adjutants, regimental quartermasters, and paymasters, from the subalterns of the line.

Compensation of the officers, cadets, non-commissioned officers, musicians, artificers, and privates, &c.

SEC. 4. *And be it further enacted,* That the compensation of the officers, cadets, non-commissioned officers, musicians, artificers, and privates, authorized by this act, shall be, viz: to each brigadier-general, one hundred and four dollars per month, twelve rations per day, or an equivalent in money, and sixteen

*The provisions of this act regarding the organization of the regiment of light artillery, the compensation, subsistence and clothing, of the officers and troops, and those respecting wounds and disabilities, widows and children, and allowances generally, are adopted by act of 3d March, 1815, chapter 100, sections 2, 4, and 7. The residue may be considered as superseded by that act.

dollars per month for forage, when not furnished by the public; each brigade inspector, thirty dollars per month, in addition to his pay in the line; each brigade quartermaster and aid-de-camp, twenty dollars, and each adjutant, regimental quartermaster, and paymaster, ten dollars per month, in addition to their pay in the line, and to each six dollars per month for forage, when not furnished as aforesaid; each hospital surgeon, seventy-five dollars per month, six rations per day, or an equivalent in money, and twelve dollars per month for forage, when not furnished as aforesaid; each hospital surgeon's mate, forty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid; each hospital steward, twenty dollars per month, and two rations per day, or an equivalent in money; each wardmaster, sixteen dollars per month, and two rations per day, or an equivalent in money; to the colonel of light dragoons, ninety dollars per month, six rations per day, and forage for five horses; to the lieutenant-colonel of light dragoons, seventy-five dollars per month, five rations per day, and forage for four horses; to the major of light dragoons, sixty dollars per month, four rations per day, and forage for four horses; to each captain of light dragoons, fifty dollars per month, three rations per day, and forage for three horses; to each lieutenant of light dragoons, thirty-three and one-third dollars per month, two rations per day, and forage for two horses; to each cornet of light dragoons, twenty-six and two-thirds dollars per month, two rations per day, and forage for two horses; to the riding master, twenty-six and two-thirds dollars per month, two rations per day, and forage for two horses; each saddler and farrier, ten dollars per month, one ration per day, and a suit of uniform clothing annually; and all other officers, cadets, non-commissioned officers, musicians, artificers, and privates, authorized by this act, shall receive the like pay, clothing, rations, forage, and other emoluments, as the officers, cadets, non-commissioned officers, musicians, artificers, and privates, of the present military establishment: *Provided*, The officers, and riding master, furnish their own horses and accoutrements, and actually keep in service the aforesaid number of horses, to entitle them to the aforegoing allowance for forage, or its equivalent in money: *And provided also*, That the whole, or any part, of the regiment of light dragoons, shall be liable to serve on foot, as light infantry, until, by order of the President of the United States, horses and accoutrements shall be provided to equip the whole, or any part thereof, as mounted dragoons.

Proviso; the officers and riding master to furnish their own horses, &c.

Proviso; the regiment of light dragoons liable to serve on foot, as light infantry, &c.

Sec. 5. *And be it further enacted*, That the officers, cadets, non-commissioned officers, musicians, artificers, and privates, raised pursuant to this act, shall be entitled to the like compensation, in case of disability by wounds, and otherwise, incurred in the service, as the officers, cadets, non-commissioned officers, musicians, artificers, and privates, in the present military es-

The officers, cadets, non-commissioned officers, musicians, artificers, and privates, raised pursuant to this act, entitled to

tablishment, and with them, shall be subject to the rules and articles of war, which have been established, or may be hereafter by law established: And that the provisions of the act, entitled "An act fixing the military peace establishment of the United States," relative to the widow, child, or children, of any commissioned officer who shall die, while in the service of the United States, by reason of any wound received in actual service of the United States, to courts-martial, the regulation and compensation of recruiting officers, the age, size, qualifications, and bounties, of recruits, arrears of pay, the bonds and duties of paymasters, penalties for desertion, punishment of persons who shall procure or entice any soldier to desert, or shall purchase from any soldier his arms, uniform clothing, or any part thereof; and the punishment of any commanding officer of any ship or vessel who shall receive on board his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away, any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, to the oath or affirmation to be taken and subscribed by officers, non-commissioned officers, musicians, and privates, to the allowance for extra expense to any commissioned officer in travelling and sitting on general courts-martial, to arrests of non-commissioned officers, musicians, and privates, for debts, to the allowance to soldiers discharged from service, except by way of punishment, shall be in force, and applied to all persons, matters, and things, within the intent and meaning of this act, in the same manner as if they were inserted at large in the same.

like compensation, in case of disability, &c. as officers, &c. of the present military establishment, and subject to the rules and articles of war, &c.

The provisions of the act fixing the military peace establishment, &c. applicable to the persons, matters, and things, within the intent and meaning of this act, &c.

Sec. 6. *And be it further enacted*, That the subsistence of the officers of the army, when not received in kind, shall be estimated at twenty cents per ration.

Subsistence of officers, estimated at twenty cents per ration.

Sec. 7. *And be it further enacted*, That there shall be appointed to each brigade, one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

One chaplain to each brigade, with the pay and emoluments of a major, &c.

Sec. 8. *And be it further enacted*, That, in the recess of the Senate, the President of the United States is hereby authorized to appoint all or any of the officers, other than the general officers, proper to be appointed under this act; which appointments shall be submitted to the senate, at the next session, for their advice and consent.

The President may appoint the officers in the recess of the senate, except the general officers.

Sec. 9. *And be it further enacted*, That every commissioned and staff officer, to be appointed in virtue of this act, shall be a citizen of the United States, or some one of the territories thereof.

Every commissioned and staff officer to be a citizen, &c.

[*Approved, April* 12, 1808.]

CHAPTER 58.

An act concerning public contracts.

No member of Congress, either directly or indirectly, to undertake, in whole or in part, any contract, &c. with the United States, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passage of this act, no member of Congress shall, directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold or enjoy, in the whole or in part, any contract or agreement hereafter to be made or entered into with any officer of the United States, in their behalf, or with any person authorized to make contracts on the part of the United States; and if any member of Congress shall, directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake or execute, any such contract or agreement, in the whole or in part, every member so offending shall, for every such offence, upon conviction thereof, before any court of the United States, or of the territories thereof, having cognizance of such offence, be adjudged guilty of a high misdemeanor, and shall be fined three thousand dollars; and every such contract or agreement as aforesaid shall, moreover, be absolutely void and of no effect:

Any member of Congress entering into any contract, &c. contrary to the provisions of this act, liable to a fine of $3,000, and the contract void, &c.

Proviso; sums of money advanced on the part of the United States, to be repaid, or prosecuted for, &c.

Provided, nevertheless, That in all cases where any sum or sums of money shall have been advanced on the part of the United States, in consideration of any such contract or agreement, the same shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum or sums of money advanced as aforesaid.

Nothing herein to extend to any contract, &c. entered into by any incorporated company, for the general benefit, &c. nor to the purchase or sale of bills of exchange, &c.

SEC. 2. *And be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to any contract or agreement, made, or entered into, or accepted, by any incorporated company, where such contract or agreement shall be made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange, or other property, by any member of Congress, where the same shall be ready for delivery, and for which payment shall be made at the time of making or entering into the contract or agreement.

In every contract, &c. an express condition to be inserted that no member of Congress shall be admitted, &c.

SEC. 3. *And be it further enacted*, That in every such contract or agreement, to be made or entered into, or accepted, as aforesaid, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

Any officer of

SEC. 4. *And be it further enacted*, That if any officer of

the United States, on behalf of the United States, shall directly or indirectly, make or enter into any contract, bargain, or agreement, in writing or otherwise, other than such as are herein excepted, with any member of Congress, such officer so offending, on conviction thereof before any court having jurisdiction thereof, shall be deemed and taken to be guilty of a high misdemeanor, and be fined in a sum of three thousand dollars.

the United States, in their behalf, entering into a contract with a member of Congress, contrary to the provisions of this act, liable to a fine of $3000, &c.

Sec. 5. *And be it further enacted*, That, from and after the passing of this act, it shall be the duty of the secretary of the treasury, secretary of war, secretary of the navy, and the postmaster-general, annually, to lay before Congress a statement of all the contracts which have been made in their respective departments, during the year preceding such report, exhibiting in such statement the name of the contractor, the article or thing contracted for, the place where the article was to be delivered, or the thing performed, the sum to be paid for its performance or delivery, the date and duration of the contract.

The secretaries of the treasury, war, and navy, and the postmaster general, to lay before Congress, annually, hereafter, a statement of all contracts, made in their departments during the preceding year, &c.

[*Approved*, *April* 21, 1808.]

CHAPTER 59.

An act making provision for arming and equipping the whole body of the militia of the United States.*

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the annual sum of two hundred thousand dollars be, and the same hereby is, appropriated for the purpose of providing arms and military equipments for the whole body of the militia of the United States, either by purchase or manufacture, by and on account of the United States.

The annual sum of $200,000 appropriated to provide arms, &c. for the whole body of the militia, &c.

Sec. 2. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to purchase sites for, and erect, such additional arsenals and manufactories of arms as he may deem expedient, under the limitations and restrictions now provided by law: *Providid also*, That so much of any law as restricts the number of workmen in the armories of the United States to one hundred men, be, and the same hereby is repealed.†

The President authorized to purchase sites and erect additional arsenals and manufactories of arms, &c. Proviso; any law restricting the number of workmen in the armories to 100, repealed.

Sec. 3. *And be it further enacted*, That all the arms procured in virtue of this act shall be transmitted to the several states composing this union, and territories thereof, to each state and territory, respectively, in proportion to the number of the effective militia in each state and territory, and by each state

The arms procured in virtue of this act to be transmitted to the several states and territories,

* This act is inserted here instead of the appendix, because it relates chiefly, to matters of administration, confided to a department of the staff of the regular army—See chapter 134.

† See chapter 19, section 2.

in proportion to the number of effective militia, &c.

and territory to be distributed to the militia in such state and territory, under such rules and regulations as shall be by law prescribed by the legislature of each state and territory.

[*Approved*, *April* 23, 1808.]

CHAPTER 60.

An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy, Departments.

[EXTRACT.]

Exclusively of the purveyor, pursers, &c. no other permanent agents to be appointed for making contracts, &c. for the military or naval establishments, unless by the President and Senate.

Proviso; the President may appoint such agents in the recess of the Senate, and may fix their number and compensation.

Proviso; the compensation not to exceed one per cent. &c.

SEC. 3. *And be it further enacted*, That, exclusively of the purveyor of public supplies, paymasters of the army, pursers of the navy, military agents, and other officers already authorized by law, no other permanent agents shall be appointed, either for the purpose of making contracts, or for the purchase of supplies, or for the disbursement in any other manner, of moneys for the use of the military establishment, or of the navy of the United States, but such as shall be appointed by the President of the United States, with the advice and consent of the Senate: *Provided*, That the President may, and he is hereby authorized, in the recess of the Senate, to appoint all or any of such agents, which appointments shall be submitted to the Senate, at their next session, for their advice and consent; and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensation of such agents: *Provided*, That the compensation allowed to either shall not exceed one per centum on the public moneys disbursed by him, nor in any instance the compensation allowed by law to the purveyor of public supplies.

Every agent, purser, &c. to give bond, &c.

SEC. 4. *And be it further enacted*, That every such agent as may be appointed by virtue of the next preceding section, and every purser of the navy, shall give bond, with one or more sufficient sureties in such sums as the President of the United States may direct, for the faithful discharge of the trust reposed in him; and the paymaster of the army, the military agents, the purveyor of public supplies, the pursers of the navy, and the agents appointed by virtue of the preceding section, shall, whenever practicable, keep the public money in their hands, in some incorporated bank, to be designated for the purpose by the President of the United States, and shall make monthly returns, in such form as may be prescribed by the treasury department, of the moneys received and expended during the preceding month, and of the unexpended balance in their hands.

The paymaster of the army, purveyor, pursers, &c. when practicable, to keep the public money in some incorporated bank, to be designated by the President; make monthly returns, &c.

All purchases, and contracts for supplies, &c. un-

SEC. 5. *And be it further enacted*, That all purchases and contracts for supplies, or services which are or may, according to law, be made, by or under the direction of either the secre-

tary of the treasury, the secretary of war, or the secretary of the navy, shall be made either by open purchase, or by previously advertising for proposals respecting the same: and an annual statement of all such contracts and purchases, and also of the expenditure of the moneys appropriated for the contingent expenses of the military establishment, for the contingent expenses of the navy of the United States, and for the discharge of miscellaneous claims not otherwise provided for, and paid at the treasury, shall be laid before Congress at the beginning of each year, by the secretary of the proper department.

Under the direction of the secretary of the treasury, of war, or of the navy, to be made by open purchase or previously advertising, &c.

An annual statement of contracts, purchases, expenditures, &c. and to be laid before Congress at the beginning of each year, &c.

[*Approved, March* 3, 1809.]

CHAPTER 61.

An act authorizing an augmentation of the Marine Corps.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States shall be, and he is hereby, authorized to cause the marine corps in the service of the United States to be augmented, by the appointment and enlistment of not exceeding one major, two captains, two first lieutenants, one hundred and eighty-five corporals, and five hundred and ninety-four privates, who shall be, respectively, allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations to which the said marine corps are, or shall be, entitled and subject.*

The President authorized to cause the marine corps to be augmented, by not exceeding 1 major, 2 capts. 2 first licuts. 185 corporals, and 594 privates, to be allowed the same pay, &c.

SEC. 2. *And be it further enacted,* That, from and after the passage of this act, all enlistments in the said corps shall be for the term of five years, unless sooner discharged, any law to the contrary notwithstanding.

After the 3d of March, 1809, all enlistments to be for five years, &c.

[*Approved, March* 3, 1809.]

CHAPTER 62.

An act making further appropriations to complete the fortifications commenced for the security of the ports and harbors of the United States, and to erect such fortifications as may be necessary for the protection of the northern and western frontiers of the United States.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, for the purpose of completing the fortifications com-

$750,000 appropriated for completing the fortifications com-

* See chapter 36.

† See preceding acts relating to the same object, chapters 18, 21, 28, 31, and 55.

menced for the security of the seaport towns and harbors of the U. S. and for erecting others, &c.

menced for the security of the seaport towns and harbors of the United States, and territories thereof, and for erecting such fortifications as may, in the opinion of the President of the United States, be deemed necessary for the protection of the nothern and western frontiers, there be, and hereby is, appropriated the sum of seven hundred and fifty thousand dollars, to be paid out of any moneys in the treasury, not otherwise appropriated. [*Approved, June* 14, 1809.]

CHAPTER 63.

An act to suspend, for a limited time, the recruiting service.

So much of the act to raise an additional military force, as authorizes the enlistment of men for the term of five years, &c. suspended, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That so much of the act, entitled "An act to raise, for a limited time, an additional military force," as authorizes the enlisting of men for the term of five years, unless sooner discharged, be, and the same is hereby, suspended until twenty days after the next meeting of Congress.

[*Approved, June* 28, 1809.]

CHAPTER 64.

An act for completing the existing military establishment.

The military establishment, &c. to be immediately completed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the military establishment, as now authorized by law, be immediately completed.

$16 bounty to each effective, able bodied man, recruited or enlisted, &c.

The payment of half the bounty to be deferred until, &c.

Non-commissioned officers and soldiers discharged from service, and who have obtained from the commanding officer, &c. a certificate that they had faithfully performed their duty, &c. are to be allowed 3 months' pay in addition, and 160 acres of land; which

SEC. 2. *And be it further enacted*, That there be allowed and paid to each effective, able bodied man, recruited or re-enlisted for that service, for the term of five years, unless sooner discharged, the sum of sixteen dollars; but the payment of one-half of the said bounty shall be deferred, until he shall be mustered and have joined the corps in which he is to serve; and whenever any non-commissioned officer or soldier shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, he shall, moreover, be allowed and paid, in addition to the aforesaid bounty, three month's pay, and one hundred and sixty acres of land;* and the heirs and representatives of those non-commissioned officers or soldiers, who

* The allowance of bounty land increased to 320 acres, to all subsequent enlistments, by act of 10th December, 1814—See chapter 97, section 4.

may be killed in action, or die in the service of the United States, shall, likewise, be paid and allowed the said additional bounty of three month's pay, and one hundred and sixty acres of land, to be designated, surveyed, and laid off, at the public expense, in such manner, and upon such terms and conditions, as may be provided by law.*

in case they are killed, or die in the service, are to go to their heirs, &c. land to be designated, surveyed, &c. at the public expense, &c.

[*Approved, December* 24, 1811.]

CHAPTER 65.

An act to raise an additional military force.†

Ten regiments of infantry, two of artillery, and one of light dragoons, to be immediately raised for five years.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there be immediately raised ten regiments of infantry, two regiments of artillery, and one regiment of light dragoons, to be enlisted for the term of five years, unless sooner discharged.

Organization of a regiment of infantry.

SEC. 2. *And be it further enacted,* That a regiment of infantry shall consist of eighteen captains, eighteen first lieutenants, eighteen second lieutenants, eighteen ensigns, seventy-two sergeants, seventy-two corporals, thirty-six musicians, and eighteen hundred privates, which shall form two battalions, each of nine companies. A regiment of artillery shall consist of twenty captains, twenty first lieutenants, twenty second lieutenants, forty cadets, eighty sergeants, eighty corporals, one hundred and sixty artificers, forty musicians, and fourteen hundred and forty privates, which shall form two battalions, each of ten companies. The regiment of cavalry shall consist of twelve captains, twelve first lieutenants, twelve second lieutenants, twelve cornets, twenty-four cadets, forty-eight sergeants, forty-eight corporals, twelve saddlers, twelve farriers, twelve trumpeters, and nine hundred and sixty privates, which shall form two battalions, each of six companies.

Organization of a regiment of artillery.

Organization of a regiment of cavalry.

Field and staff officers of a regiment.

SEC. 3. *And be it further enacted,* That, to each regiment raised under this act, whether of infantry, artillery, or light dragoons, there shall be appointed one colonel, two lieutenant-colonels, two majors, two adjutants, one quartermaster, one paymaster, one surgeon, two surgeon's mates, two sergeant-majors, two quartermaster-sergeants, and two senior musicians.

Two major-generals, with two aids each, &c.

SEC. 4. *And be it further enacted,* That there shall be appointed two major-generals, each of whom shall be allowed

* See act of 16th May, 1812, chapter 72, providing for the survey, &c. of military bounty lands.

† See supplementary acts, chapters 67, 69, 81, and 86, also chapters 76 and 93, by which the organization here given, is materially modified. These acts may be considered as superseded and supplied, by act of 3d of March, 1815, fixing the peace establishment, chapter 100.

Five brigadier-generals, with a brigade-major and an aid, each, &c.

An adjutant-general, and an inspector-general, &c.

The adjutant-general and the inspector-general, to be allowed assistants, &c.

two aids, to be taken from the commissioned officers of the line; and five brigadier-generals, each of whom shall be allowed a brigade-major and an aid, to be taken from the captains and subalterns of the line; and there shall also be appointed one adjutant-general and one inspector-general, each with the rank, pay, and emoluments of a brigadier-general; the said adjutant-general shall be allowed one or more assistants, not exceeding three, to be taken from the line of the army, with the same pay and emoluments as by this act are allowed to a lieutenant-colonel: the said inspector-general shall be allowed two assistant-inspectors, to be taken from the line of the army, each of whom shall receive, while acting in said capacity, the same pay and emoluments as by this act are allowed to a lieutenant-colonel: there shall also be appointed such number of hospital surgeons and mates, as the service may require, with one steward to each hospital.

Hospital surgeons, &c. to be appointed.

Officers detached to serve as brigade-major, aid, &c. to retain their rank.

SEC. 5. *And be it further enacted*, That when an officer is detached to serve as brigade-major or aid, or as assistant to the adjutant-general, or inspector-general, on the appointment of a general officer, or as adjutant or quartermaster, on the appointment of a colonel, he shall not thereby lose his rank.

Pay, etc. of major-generals, and their aids; and pay, etc. of brigadier-generals.

SEC. 6. *And be it further enacted*, That the major-generals, respectively, shall be entitled to two hundred dollars monthly pay, with twenty dollars allowance for forage, monthly, and fifteen rations per day. Their aid-de-camps shall, each, be entitled to twenty-four dollars monthly, in addition to their pay in the line, and ten dollars monthly for forage, and four rations. The brigadier-generals, respectively, shall be entitled to one hundred and four dollars monthly pay, twelve rations per day, and sixteen dollars per month for forage, when not found by the public.

Other officers, cadets, privates, etc. to receive the like pay, rations, forage, etc. as officers, privates, etc. of the existing military establishment.

SEC. 7. *And be it further enacted*, That all other officers, cadets, non-commissioned officers, musicians, artificers, and privates, authorized by this act, shall receive the like pay, forage, rations, clothing, and other emoluments, as the officers of the same grade and corps, cadets, non-commissioned officers, musicians, artificers, and privates, of the present military establishment.

Component parts etc. of the ration.

SEC. 8. *And be it further enacted*, That each ration shall consist of one pound and a quarter of beef, or three quarters of a pound of pork, eighteen ounces of bread or flour, one gill of rum, whiskey, or brandy, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.

Non-commissioned officers, privates, etc. of the artillery and infantry, to receive, annually, the articles of uniform clothing specified.

SEC. 9. *And be it further enacted*, That every non-commissioned officer, musician, and private, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen, and two pair of linen, overalls, one course linen frock and trowsers, for fatigue clothing, four pair of shoes, four shirts, two pair of socks, two pair of short stockings, one

blanket, one stock and clasp, and one pair of half gaiters: And the secretary of war is hereby authorized to cause to be furnished to the paymasters of the respective districts, such surplus of clothing as he may deem expedient, which clothing shall, under his direction, be furnished to the soldiers, when necessary, at the contract prices, and accounted for by them out of their arrears of monthly pay.

The secretary of war to cause the paymasters to be furnished with surplus clothing, for the soldiers, at contract prices, etc.

Sec. 10. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates, of the said corps, shall be governed by the rules and articles of war, which have been established by the United States, in Congress assembled, or by such rules and articles as may be hereafter, by law, established.

The officers, and soldiers to be governed by the rules and articles of war, etc.

Sec. 11. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive, for every effective able bodied man who shall be duly enlisted by him, for the term of five years, and mustered, (and between the ages of eighteen and forty-five years) the sum of two dollars: *Provided, nevertheless*, That this regulation so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided also*, That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Commissioned officers employed in recruiting, entitled to receive two dollars for every effective able bodied man duly enlisted, etc.

Proviso: the regulation respecting age, not to extend to musicians, etc.

Proviso: persons under the age of 21, not to be enlisted, etc. without the written consent of the parent, etc.

Officers enlisting persons contrary to this act, to pay the amount of the bounty and clothing, etc.

Sec. 12. *And be it further enacted*, That there shall be allowed and paid to each effective able bodied man, recruited as aforesaid, to serve for the term of five years, a bounty of sixteen dollars; but the payment of eight dollars of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States for service. And whenever any non-commissioned officer, or soldier, shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, he shall, moreover, be allowed and paid, in addition to the said bounty, three months' pay, and one hundred and sixty acres of land;* and the heirs and representatives of those non-commissioned officers or soldiers who may be killed in action, or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay, and one hundred and sixty acres of land; to be designated,

$16 bounty to each recruit.

The payment of $8 of the bounty to be deferred, until, etc.

When any non-commissioned officer or soldier is discharged, and has obtained a certificate from the commanding officer, that he had performed his duty, he is to be allowed, in addition, three month's pay and 160 acres of land; and, in case of his being killed or dying, etc. the heirs and representatives are to receive the additional bounty; land to be designated, surveyed, etc. at the public expense.

* The land bounty increased to 320 acres, to all subsequent enlistments, by act of 10th December, 1814, chapter 97, section 4.

surveyed, and laid off, at the public expense, in such manner, and upon such terms and conditions, as may be provided by law.

Arrears of pay not to exceed two months, unless, etc.

SEC. 13. *And be it further enacted*, That the said corps shall be paid in such manner, that the arrears shall, at no time, exceed two months, unless the circumstances of the case shall render it unavoidable.

Officers and soldiers disabled by wounds, in service, to be placed on the list of invalid pensioners, etc.

SEC. 14. *And be it further enacted*, That if any officer, non-commissioned officer, musician, or private, shall be disabled by wounds, or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension, and under such regulations, as are or may be directed by law: *Provided always*, That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Proviso; the compensation for wounds, etc. to a commissioned officer, not to exceed half his monthly pay, etc. and no officer to receive more than half the pay of a lieutenant colonel.

The rate of pensions to non-commissioned officers, privates, etc. not to exceed $5 per month.

Proviso; inferior disabilities to entitle the person to a proportional allowance.

Widows and children of commissioned officers dying of wounds received in actual service, to receive half the monthly pay to which the deceased was entitled, etc. for five years.

SEC. 15. *And be it further enacted*, That if any commissioned officer in the military establishment of the United States shall, while in the service of the United States, die by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children, under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years. But in case of the death or intermarriage of such widow before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided always*, That such half pay shall cease on the decease of such child or children.

In case the widow marries before the expiration of five years, the half pay is to go to the children.

Non-commissioned officers, privates, etc deserting the service, liable, in addition to penalties, etc. to serve the full term; and may be tried by a court-martial and punished, although, etc.

SEC. 16. *And be it further enacted*, That if any non-commissioned officer, musician, or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court-martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

Persons, etc. enticing soldiers to desert, or purchasing their arms, uniform clothing, etc. and commanders of vessels receiving on board soldiers,

SEC. 17. *And be it further enacted*, That every person not subject to the rules and articles of war, who shall procure or entice a soldier in the service of the United States to desert; or who shall purchase from any soldier his arms, uniform clothing, or any part thereof; and every captain or com-

manding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away, any such soldier, or shall refuse to deliver him up, to the orders of his commanding officer, shall, upon legal conviction, be fined at the discretion of any court having cognizance of the same, in any sum not exceeding three hundred dollars, and be imprisoned any term not exceeding one year.

knowing them to be deserters, etc. liable to a fine not exceeding $300 and to imprisonment not exceeding one year.

SEC. 18. *And be it further enacted*, That every officer, non-commissioned officer, musician, and private, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear, or affirm, (as the case may be) that I will bear true faith and allegiance to the United States of America, and that I will serve them, honestly and faithfully, against their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Officers, and soldiers to take and subscribe an oath.

Form of the oath.

SEC. 19. *And be it further enacted*, That there shall be appointed to each division a judge-advocate, who shall be entitled to the same pay and emoluments as a major in the infantry; or, if taken from the line of the army, shall be entitled to thirty dollars per month in addition to his pay, and the same allowance for forage as is allowed by law for a major of infantry.

A judge-advocate to each division, with the pay and emoluments of a major in the infantry, etc.

SEC. 20. *And be it further enacted*, That where any commissioned officer shall be obliged to incur any extra expense in travelling and sitting on general courts-martial, he shall be allowed a reasonable compensation for such extra expense, actually incurred, not exceeding one dollar and twenty-five cents per day to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

Commissioned officers obliged to incur extra expense in travelling and sitting on general courts-martial, to be allowed a reasonable compensation; not exceeding, etc.

SEC. 21. *And be it further enacted*, That no non-commissioned officer, musician, or private, during the term of his service, shall be arrested on mesne process, or taken or charged in execution for any debt or debts contracted before enlistment, which were, severally, under twenty dollars at the time of contracting the same, nor for any debt whatever contracted after enlistment.

No non-commissioned officer, or soldiers, etc. during his term of service, to be arrested, etc. for any debt under $20 contracted before enlistment, nor for any debt contracted afterwards.

SEC. 22. *And be it further enacted*, That whenever any officer or soldier shall be discharged from the service, except by way of punishment for any offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

When an officer or soldier is discharged, etc. except, etc. he is to be allowed his pay and rations, etc. to his place of residence, at the rate of 20 miles a day.

SEC. 23. *And be it further enacted*, That the subsistence of the officers of the army, when not received in kind, shall be estimated at twenty cents per ration.

Subsistence of the officers of the army, etc. estimated at 20 cents per ration.

SEC. 24. *And be it further enacted*, That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

One chaplain to each brigade, with the pay, etc. of a major, etc.

No general, field, or staff officer, appointed under this act, to be entitled to pay, etc. until called into actual service, etc.

SEC. 25. *And be it further enacted*, That no general, field, or staff officer, who may be appointed by virtue of this act, shall be entitled to receive any pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein.

[*Approved, January* 11, 1812.

CHAPTER 66.

An act supplementary to "An act to raise, for a limited time, an additional military force," passed on the twelfth day of April, one thousand eight hundred and eight.*

When in the opinion of the President, it is expedient to mount the light artillery, horses and accoutrements, are to be provided, etc. When the non-commissioned officers, privates, etc. are equipped, the officers to be entitled to the same forage etc. as in the regiment of light dragoons. Proviso; the officers to furnish their own horses, etc. and keep them in service.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That whenever, in the opinion of the President of the United States, it is expedient to mount the light artillery, or any part thereof, horses and accoutrements shall be provided to equip the whole, or such part as he may direct; and when the non-commissioned officers, musicians, artificers, and privates, are so equipped, the officers shall be entitled to the same forage as is now provided for the officers of the same grade in the regiment of light dragoons: *Provided*, The officers furnish their own horses and accoutrements, and actually keep in service the same number of horses, to entitle them to the aforesaid allowance for forage, or its equivalent in money.

When the light artillery are ordered to be mounted, a saddler and a farrier allowed to each company with the same pay, etc.

SEC. 2. *And be it further enacted*, That whenever the said light artillery are ordered to be mounted, there shall be provided one saddler and one farrier to each company, who shall be entitled to the same pay and emoluments as are now provided for saddlers and farriers in the regiment of light dragoons.

[*Approved, February* 24, 1812.]

CHAPTER 67.

An act supplementary to "An act to raise an additional military force."†

The non-commissioned officers, privates, etc. of the light dragoons to receive the same uniform clothing

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the non-commissioned officers, musicians, and privates, of the light dragoons, shall receive the same uniform clothing as is now provided by law for the artillery and infantry, excepting one pair of gaiters, and four pairs of shoes, in lieu of

* See original act, chapter 57.
† For original act, see chapter 65, with the note thereto.

which each person shall be annually entitled to receive one pair of boots, and two pair of shoes. as is provided for the artillery and infantry, except, etc.

SEC. 2. *And be it further enacted*, That the non-commissioned officers, musicians, and privates, of the regiment of light artillery, shall receive the same clothing as the light dragoons, when ordered to be mounted. The non-commissioned officers, privates, etc. of the artillery, to receive the same clothing as the light dragoons, etc.

SEC. 3. *And be it further enacted*, That all the officers, excepting general officers, who may be appointed during the present session of Congress, under the "Act to raise an additional military force," shall take rank in such manner as the President of the United States shall direct, without regard to priority of appointment. All officers, except general officers, appointed under the act mentioned, to take rank as the President directs, etc.

[*Approved*, *March* 17, 1812.]

CHAPTER 68.

An act to establish a quartermaster's department, and for other purposes.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there be, and hereby is, established a quartermaster's department for the army of the United States, to consist of a quartermaster-general, four deputy quartermasters, and as many assistant deputy quartermasters as, in the opinion of the President of the United States, the public service may require; the quartermaster-general and deputy quartermasters, to be appointed by the President, by and with the advice and consent of the Senate; and the assistant deputy quartermaster by the President alone. And he hereby is authorized moreover to appoint such additional number of deputy quartermasters, not exceeding four, to be taken from the line or not, at his discretion, as in his judgment the public service may require. A quartermaster's department established. To consist of a quartermaster-general, deputies, assistants, etc. The quartermaster-general and deputies to be appointed by the President and Senate, the assistants by the President alone. The President may appoint not exceeding four deputy quartermasters, from the line or not, etc.

SEC. 2. *And be it further enacted*, That the quartermaster-general shall be entitled to the rank, pay, and emoluments, of a brigadier-general, (under the act of the twelfth of April, one thousand eight hundred and eight,) with forage for two additional horses; the deputy quartermasters, when not taken from the line, shall be entitled to receive sixty dollars per month, five rations per day, and forage for two horses; but if taken The quartermaster-general entitled to the rank, pay, etc. of a brigadier-general, etc. Pay, etc. of the deputy quartermaster.

* This act, so far as it relates to the organization of the quartermaster's department, and the compensation of its officers, is repealed and supplied by act of 3d March, 1813, chapter 84, which, with so much of the residue of this act as relates to other officers and their pay, may be considered as virtually repealed by act of 3d March, 1815, chapter 100. Some of the sections of this act are, however, of general import, not limited to any particular time; and though they may remain inoperative while no officers of the grades referred to exist, yet they would appear to revive and become applicable, whenever offices of the same denomination shall be again established. Such are sections 3, 5, 8, 10, 11, and 13.

Pay, &c. of the assistants.

from the line, then such additional pay and emoluments as shall be equal to the foregoing provision; the assistant deputy quartermasters, when not taken from the line, shall be entitled to receive forty dollars per month, three rations per day, and forage for one horse: but if taken from the line, then such additional pay and emoluments as shall be equal to the foregoing provision.

The quartermaster-general, his deputies, &c. when directed, &c. to purchase military stores, &c.

SEC. 3. *And be it further enacted*, That, in addition to their duties in the field, it shall be the duty of the quartermaster-general, his deputies, and assistant deputies, when therein directed by the secretary of war, to purchase military stores, camp equipage, and other articles, requisite for the troops, and, generally, to procure and provide means of transport for the army, its stores, artillery, and camp equipage. That the quartermaster-general shall account as often as may be required and, at least, once in three months, with the department of war, in such manner as shall be prescribed, for all property which may pass through his hands, or the hands of the subordinate officers in his department, or that may be in his or their care or possession, and for all moneys which he or they may expend in discharging their respective duties; that he shall be responsible for the regularity and correctness of all returns in his department, and that he, his deputies, and assistant deputies, before they enter on the execution of their respective offices, shall severally take an oath faithfully to perform the duties thereof.

The quartermaster-general to account as often as required, and at least, once in three months, &c.

A commissary-general of purchases, deputies, &c. to be appointed by the President and Senate.

SEC. 4. *And be it further enacted*, That there shall be a commissary-general of purchases, and as many deputy commissaries, as, in the opinion of the President of the United States, the public service may require, to be appointed by the President, by and with the advice and consent of the Senate.

The commissary general of purchases, under the direction of the secretary of war, to conduct the procuring of arms, &c.

SEC. 5. *And be it further enacted*, That it shall be the duty of the commissary-general of purchases, under the direction and supervision of the secretary of war, to conduct the procuring and providing of all arms, military stores, clothing, and, generally, all articles of supply requisite for the military service of the United States:* and it shall be the duty of the deputy commissaries, when directed thereto, either by the secretary of war, the commissary-general of purchases, or, in cases of necessity, by the commanding-general, qaartermaster-general, or deputy-quartermasters, to purchase all such of the aforesaid articles as may be requisite for the military service of the United States.

Deputy commissaries, when directed, &c. to purchase articles requisite for the military service.

Neither the quartermaster-gene-

SEC. 6.† *And be it further enacted*, That neither the quar-

* The establishment of an ordnance department by chapters 73 and 99, of the office of apothecary-general by chapter 84, section 7, and a better definition of the duties of the quartermaster's department under authority of section 5, chapter 83, left to the commissary-general of purchases, the duties of providing clothing and camp equipage, to which they are at present confined.

† This section is repealed and supplied by act of 22d May, 1812, chapter 75, sections 1 and 5.

termaster-general, nor the commissary-general, shall, directly, or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel; nor shall either of them purchase, by himself, or another in trust for him, public lands, or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the United States, or take, or apply to his own use, any emolument or gain, for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if either the said quartermaster-general, or commissary-general, shall offend against any of the prohibitions of this act, the parties so offending shall, upon conviction, forfeit to the United States the penalty of three thousand dollars, and may be imprisoned for a term not exceeding five years, and shall be removed from office, and be forever thereafter incapable of holding any office under the United States.

ral, nor the commissary-general, to be concerned in commerce, nor in the purchasing public lands, nor take any emolument not allowed by law, &c. under the penalty of $3000, imprisonment, not exceeding five years removal from, and incapacitation for office.

Sec. 7. *And be it further enacted*, That the salary of the commissary-general of purchases shall be three thousand dollars per annum; and the compensation to a deputy-commissary shall not exceed two and one half per centum on the public moneys disbursed by him, nor, in any instance, the sum of two thousand dollars per annum.

Salary of the commissary-general, $3000 per annum, and compensation of a deputy not to exceed $2000, &c.

Sec. 8. *And be it further enacted*, That the commissary general of purchases shall, before he enters upon his duties, give bond, with sufficient surety, to be approved of by the secretary of war, in the sum of fifty thousand dollars, and the deputy commissaries, each, in the sum of ten thousand dollars, with condition for the faithful performance of the duties of their office, respectively; which bonds shall be lodged with the comptroller of the treasury.

The commissary general of purchases to give bond in $50,000, and deputy commissaries, each, in $10,000; the bonds to be lodged with the comptroller.

Sec. 9. *And be it further enacted*, That, from and after the last day of May next, so much of the act, entitled "An act to establish the office of purveyor of public supplies,"* as relates to the appointment and services of a purveyor of public supplies, be, and the same is hereby, repealed; and, in the mean time, the purveyor shall deliver over to the commissary-general, or one of his deputies, the public stores and property of all sorts in his possession, who shall receipt to him for the same.

So much of the act establishing the office of purveyor, &c. as relates to the appointment and services of a purveyor, repealed.

The purveyor to deliver over to the commissary-general, &c. the public stores, &c.

Sec. 10. *And be it further enacted*, That all letters and packets, to and from the quartermaster-general, and commissary-general, shall be free from postage.

Letters, &c. to and from the quartermaster and commissary-general free, &c.

Sec. 11. *And be it further enacted*, That there be allowed, for the compensation of the necessary clerks in the quartermaster-general's office, a sum not exceeding fifteen hundred dollars a year; and for the compensation of the clerks of the commissary-general, a sum not exceeding seventeen hundred dollars per annum, with such books and stationary as may be neces-

Not exceeding $1,500 a year allowed for clerks in the quartermaster-general's office; and not exceeding $1700 for the clerks of

* See chapter 23.

the commissary, with books, &c.

sary to the quartermaster-general's and commissary-general's departments.

The quartermaster-general authorized to appoint a principal wagon-master, &c. to provide and conduct the wagons, &c.

SEC. 12. *And be it further enacted*, That the quartermaster-general be authorized to appoint a principal wagon-master, and as many wagon-masters as he may judge necessary for the service of the army, not exceeding one to each brigade, whose duty it shall be, under the direction of the quartermaster-general, or any of his deputies, to provide and conduct the wagons, and other means of transport, necessary and proper for the military service of the United States.

Wagon-masters not to be concerned in wagons, &c. except, as agents, &c.

SEC. 13. *And be it further enacted*, That no wagon-master shall, directly or indirectly, be concerned or interested in any wagon, or means of transport, employed in the service of the United States, nor in the purchase or sale of any horses, harness, wagons, or other means of transport, procured for, or belonging to, the United States, except as agent for the United States.

Pay, &c. of wagon-masters.

SEC. 14. *And be it further enacted*, That the principal wagon-master shall be entitled to receive forty dollars per month, three rations per day, and forage for one horse; and each wagon-master shall be entitled to receive thirty dollars per month, two rations per day, and forage for one horse.

The quartermaster-general authorized to appoint a principal forage master, &c. to provide and deliver out forage.

SEC. 15. *And be it further enacted*, That the quartermaster-general be authorized to appoint one principal forage-master, and as many assistant forage-masters, as the nature of the service may require, not exceeding one to each brigade, whose duty shall be, under the direction of the quartermaster-general, or any of his deputies, to provide and deliver out forage necessary and proper for the military service of the United States; nor shall any forage-master be, directly or indirectly, concerned in the purchase or sale of any article of forage procured for or belonging to the United States, except as an agent for the United States.

No forage-master to be concerned in the purchase or sale of forage, except as agents, &c.

Pay, &c. of forage-masters.

SEC. 16. *And be it further enacted*, That the principal forage-master shall be entitled to receive forty dollars per month, three rations per day, and forage for two horses; and that the other forage-masters shall be entitled to receive thirty dollars per month, two rations per day, and forage for one horse.

Four conductors of artillery, to be appointed by the President, &c.

SEC. 17. *And be it further enacted*, That there shall be four conductors of artillery, who shall be appointed by the President alone, each of whom shall be entitled to the pay and emoluments of a lieutenant of artillery.

This act to go into operation on the 1st of April, 1812.

So much of the act mentioned, as respects the appointment of military agents, &c. repealed.

SEC. 18. *And be it further enacted*, That this act shall go into operation on the first day of April next; and that so much of the act fixing the military peace establishment of the United States,* as respects the appointment of military agents and assistant military agents, be, and the same is hereby, repealed, from and after that day; but all those agents shall continue to perform their respective duties in the mean time, and until the de-

* See chapter 49, section 3.

puty and assistant deputy-quartermasters shall be appointed and ready to enter on the execution of their respective offices; to whom the said military agents and assistant military agents shall then deliver all the public stores and property in their possession.

The military agents to continue to perform their duties in the meantime, &c.

Sec. 19. *And be it further enacted*, That all persons attached to the public service by virtue of this act, shall be subject to military law, except the deputy commissaries.

Persons attached to the public service by this act, subject to military law, except, &c.

Sec. 20. *And be it further enacted*, That the President may, and hereby is, authorized, in the recess of the senate, to appoint the quartermaster-general, deputy quartermasters, commissary-general, and deputy-commissaries, or any of them; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

The President may appoint the quartermaster-general, commissary-general, &c. in the recess, &c. to be submitted at the next session, &c.

[*Approved, March* 28, 1812.]

CHAPTER 69.

An act in addition to the act, entitled "An act to raise an additional military force," passed January the eleventh, one thousand eight hundred and twelve.*

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he hereby is, empowered to cause to be enlisted, for the term of eighteen months, unless sooner discharged, such part of the light dragoons, artillery, and infantry, authorized by the act, entitled "An act to raise an additional military force," as he may deem expedient: *Provided*, The whole number, so to be enlisted for eighteen months, shall not exceed fifteen thousand, any thing in the said recited act to the contrary notwithstanding.

The President of the U. S. empowered to cause to be enlisted, for the term of eighteen months, unless, &c. such part of the light dragoons, artillery, &c. authorized by the act mentioned. Proviso; the whole number to be enlisted for 18 months not to exceed 15,000, &c.

Sec. 2. *And be it further enacted*, That the non-commissioned officers, musicians, and privates, so to be enlisted, shall be entitled to the bounty of sixteen dollars, and the same pay, clothing, and rations, the same provisions for wounds or disabilities, and to all other allowances, (the bounty in land excepted,) provided by the said before recited act, for the non-commissioned officers, musicians, and privates, who may be raised under the same, and shall be held to perform the same duties, and be subject to the same rules and regulations.

The non-commissioned officers, privates, &c. to be entitled to the bounty of $16, &c. except the bounty in land, &c.

[*Approved, April* 8, 1812.]

* See original act, chapter 65, with the note thereon.

CHAPTER 70.

An act for the organization of a corps of artificers.*

A corps of artificers to be attached to the quartermaster-general's department, &c.

Organization of the corps of artificers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there shall be attached to the quartermaster-general's department, and subject to the orders of the officers thereof, a corps of artificers, to consist of one superintendent, to be appointed by the President of the United States, four assistants, two master-masons, two master-carpenters, two master-blacksmiths, two master-boat-builders, two master-armorers, two master-saddle and harness-makers, twenty house-carpenters, five ship-carpenters, twenty blacksmiths, sixteen boat-builders, sixteen armorers, twelve saddle and harness-makers, and twenty-four laborers, to be selected from the privates of the army, when authorized thereto by the commanding-general, or engaged from among the citizens by the superintendent.

Pay, &c. of the superintendent of artificers, assistants, &c.

SEC. 2. *And be it further enacted*, That the pay of the superintendent of artificers shall be forty-five dollars per month, three rations per day, and forage for one horse; that the pay of the four assistants be, each, thirty dollars per month, and two rations per day; that the pay of the twelve master-workmen be, each, thirty dollars per month, and one ration and one half of a ration per day; that the pay of the other workmen be, each, sixteen dollars per month, and one ration and one half of a ration per day.

The superintendent to report once a month, to the quartermaster-general, make out the pay roll on oath, &c. execute all orders, &c.

SEC. 3. *And be it further enacted*, That it shall be the duty of the superintendent of artificers to render a correct report, once each month, of the corps, to the quartermaster-general, and on oath to make out the pay roll thereof; which pay roll shall be examined by the quartermaster-general, or, in his absence, by one of the deputy-quartermasters, and by him be countersigned; and faithfully, and without delay, to execute all such orders as he may receive from the secretary of war, any officer of the quartermaster's department, or from the officer commanding in the field or garrison to which his corps, or any part thereof, may be attached.

The corps to be engaged for three years, unless, &c.

SEC. 4. *And be it further enacted*, That this corps shall be engaged for and during the term of three years, unless sooner discharged by the President of the United States.

$30,000 appropriated for defraying the expense that may be incurred under this act. &c.

SEC. 5. *And be it further enacted*, That, for defraying the expense that may be incurred in the execution of this act, the sum of thirty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

[*Approved, April* 23, 1812.]

* Superseded by act of 3d March, 1815, chapter 100.

CHAPTER 71.

An act making further provision for the corps of engineers.*

Officers to be added to the corps of engineers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there be added to the corps of engineers two captains, two first lieutenants, two second lieutenants, with the usual pay and emoluments, according to their grades, respectively, and one paymaster, to be taken from the subalterns of engineers, with the pay and emoluments of a regimental paymaster; and that there be attached to the said corps, either from the troops now in service, or by new enlistments, as the President of the United States may direct, four sergeants, four corporals, one teacher of music, four musicians, nineteen artificers, and sixty-two men, which non-commissioned officers, musicians, artificers, and men, together with the artificers and men already belonging to the corps of engineers, shall be formed into a company, to be styled a company of bombardiers, sappers, and miners, and be officered from the corps of engineers, according as the commanding officer of that corps may, with the approbation of the President of the United States, direct; and the said non-commissioned officers, musicians, artificers, and men, shall be allowed the same pay and emoluments as are allowed to the non-commissioned officers, musicians, artificers, and men, in the regiment of artillerists.

A company of bombardiers, sappers, and miners, to be formed, to be officered from the corps of engineers, &c.

Non-commissioned officers, artificers, &c. allowed the same pay, &c. as in the regiment of artillerists.

The military academy to consist of the corps of engineers, and. in addition to the teachers of French and drawing, of a professor of natural and experimental philosophy, a professor of mathematics, a professor of the art of engineering, with assistant professors, &c.

SEC. 2. *And be it further enacted,* That the military academy shall consist of the corps of engineers, and the following professors, in addition to the teachers of the French language and drawing already provided, viz: one professor of natural and experimental philosophy, with the pay and emoluments of lieutenant-colonel, if not an officer of the corps, and, if taken from the corps, then so much in addition to his pay and emoluments of a major, if not an officer of the corps, and, if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a major; one professor of the art of engineering in all its branches, with the pay and emoluments as shall equal those of a lieutenant-colonel: one professor of mathematics, with the pay and emoluments of a major, if not an officer of the corps, and, if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a major; each of the foregoing professors to have an assistant professor, which assistant professor shall be taken from the most prominent characters of the officers or cadets, and receive the pay and emoluments of captains, and no other pay or emoluments, while performing these duties: *Provided,* That nothing herein contained shall entitle the academical staff, as such, to any command in the army separate from the academy.

Proviso; nothing herein to entitle the academical staff to any command in the army, separate, &c.

* See act of 16th of March, 1802, chapter 49, section 26.

The cadets not to exceed 250.

SEC. 3. *And be it further enacted*, That the cadets, heretofore appointed in the service of the United States, whether of artillery, cavalry, riflemen, or infantry, or that may in future be appointed as hereinafter provided, shall at no time exceed two hundred and fifty: that they may be attached, at the discretion of the President of the United States, as students to the military academy, and be subject to the established regulations thereof; that they shall be arranged into companies of non-commissioned officers and privates, according to the directions of the commandant of engineers, and be officered from the said corps, for the purpose of military instruction; that there shall be added to each company of cadets four musicians; and the said corps shall be trained and taught all the duties of a private, non-commissioned officer, and officer; be encamped at least three months of each year, and taught all the duties incident to a regular camp; that the candidates for cadets be not under the age of fourteen, nor above the age of twenty-one years; that each cadet, previously to his appointment by the President of the United States, shall be well versed in reading, writing, and arithmetic, and that he shall sign articles, with the consent of his parent or guardian, by which he shall engage to serve five years, unless sooner discharged; and all such cadets shall be entitled to and receive the pay and emoluments now allowed by law to cadets in the corps of engineers.

Regulations concerning the organization, discipline, age, qualifications, and term of service of cadets.

When a cadet receives a regular degree, &c. he is to be considered as among the candidates for a commission, &c. and when there is no vacancy in a corps, he may be attached to it as a supernumerary officer, &c.

SEC. 4. *And be it further enacted*, That when any cadet shall receive a regular degree from the academical staff, after going through all the classes, he shall be considered as among the candidates for a commission in any corps, according to the duties he may be judged competent to perform; and in case there shall not, at the time, be a vacancy in such corps, he may be attached to it at the discretion of the President of the United States, by brevet of the lowest grade, as a supernumerary officer, with the usual pay and emoluments of such grade, until a vacancy shall happen: *Provided*, That there shall not be more than one supernumerary officer to any one company at the same time.

Proviso; not more than one supernumerary officer to one company.

$25,000 appropriated for erecting buildings, providing apparatus, a library, &c.

SEC. 5. *And be it further enacted*, That the sum of twenty-five thousand dollars, be, and the same is hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated, for erecting buildings, and for providing an apparatus, a library, and all necessary implements, and for such contingent expenses as may be necessary and proper, in the judgment of the President of the United States, for such an institution.

So much of the 26th section of the act fixing the military peace establishment as confines the selection of the commander, &c. to the corps of engineers, repealed.

SEC. 6. *And be it further enacted*, That so much of the twenty-sixth section of the act, entitled "An act fixing the military peace establishment," passed the sixteenth day of March, one thousand eight hundred and two, as confines the selection of the commander of the corps of engineers to the said corps, be, and the same is hereby repealed.

[*Approved, April* 29, 1812.]

CHAPTER 72.

An act to provide for designating, surveying, and granting, the military bounty lands.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby, authorized to cause to be surveyed a quantity of the public lands of the United States, fit for cultivation, not otherwise appropriated, and to which the Indian title is extinguished, not exceeding, in the whole, six millions of acres; two millions to be surveyed in the territory of Michigan, two millions in the Illinois territory, north of the Illinois river, and two millions in the territory of Louisiana, between the river St. Francis and the river Arkansas; the said lands to be divided into townships, and subdivided into sections and quarter sections, (each quarter section to contain, as near as possible, one hundred and sixty acres,) in the manner prescribed by law for surveying and subdividing the other public lands of the United States, the same price to be allowed for surveying as is fixed for surveying the other public lands in the same territory. And the lands thus surveyed, with the exception of the salt springs and lead mines therein, and of the quantities of land adjacent thereto, as may be reserved for the use of the same by the President of the United States, and the section number sixteen in every township, to be granted to the inhabitants of such township for the use of public schools, shall be set apart and reserved for the purpose of satisfying the bounties of one hundred and sixty acres, promised to the non-commissioned officers and soldiers of the United States, their heirs and legal representatives, by the act, entitled "An act for completing the existing military establishment,"* approved the twenty-fourth day of December, one thousand eight hundred and eleven, and by the act, entitled "An act to raise an additional military force,"† approved the eleventh day of January, one thousand eight hundred and twelve.

The President to cause to be surveyed not exceeding 6,000,000 of acres of public land &c.

2,000,000 in each of the territories of Michigan, Illinois, and Louisiana.

The lands surveyed, with the exceptions mentioned to be set apart for satisfying the bounties of 160 acres promised to non-commissioned officers, and soldiers.

SEC. 2. *And be it further enacted,* That the secretary for the department of war, for the time being, shall, from time to time, issue warrants for the military land bounties to the persons entitled thereto by the two last mentioned acts, or either of them: *Provided always,* That such warrants shall be issued only in the names of the persons thus entitled, and be, by them or their representatives, applied for within five years after the same persons shall have become entitled thereto; and the said warrants shall not be assignable or transferable in any manner whatever.

The secretary of war to issue warrants for the military land bounties, &c.

Proviso; the warrants to be issued in the names of the persons entitled to be applied for within five years, and not assignable, &c.

SEC. 3. *And be it further enacted,* That every person in whose favor such warrants shall have been issued, shall, on

Persons in whose favor warrants have been issued,

* See chapter 64, section 2.

† See chapter 65, section 12.

on delivering them at the general land office, to be entitled to draw, by lot, one of the quarter sections, &c. in either of the territories, and a patent to be granted without fee.

delivery of the same at the office of the secretary of the treasury, or of such other officer as may at the time have, by law, the superintendence of the general land office of the United States at the seat of government, be entitled to draw, by lot, in such manner as the officer at the head of the land office, under the direction of the President of the United States, may prescribe, one of the quarter sections surveyed by virtue of the first section of this act, in either of the said territories which the person in whose favor such warrant has issued may designate. And a patent shall thereupon be granted to such person, for such quarter section, without requiring any fee therefor.

No claim for military land bounties assignable, until after a patent, &c. All sales, mortgages, contracts, &c. made prior to granting a patent, with intent to alienate, &c. any claim or military land bounties &c. declared null and void, &c.

SEC. 4. *And be it further enacted*, That no claim for the military land bounties aforesaid shall be assignable or transferable in any manner whatever, until after a patent shall have been granted in the manner aforesaid. All sales, mortgages, contracts, or agreements, of any nature whatever, made prior thereto, for the purpose, or with intent, of alienating, pledging, or mortgaging, any such claim, are hereby declared, and shall be held, null and void; nor shall any tract of land, granted as aforesaid, be liable to be taken in execution or sold, on account of any such sale, mortgage, contract, or agreement, or on account of any debt contracted prior to the date of the patent, either by the person originally entitled to the land, or by his heirs or legal representatives, or by virtue of any process, or suit at law, or judgment of court, against a person entitled to receive his patent as aforesaid.

[*Approved, May* 6, 1812.]

CHAPTER 73.

An act for the better regulation of the ordnance.*

An ordnance department established, to consist of a commissary-general, assistant, deputies, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there be, and hereby is, established an ordnance department, to consist of a commissary-general of ordnance, an assistant commissary-general, four deputy commissaries,† and as many assistant deputy commissaries‡ as the President of the United States may think necessary, not exceeding eight.

The commissary-general authorized to employ wheelwrights, &c.

SEC. 2. *And be it further enacted*, That the commissary-general be authorized, from time to time, to employ as many wheelwrights, carriage makers, blacksmiths, and laborers, as the public service may, in his judgment, require.

Rank, pay, and emoluments of

SEC. 3. *And be it further enacted*, That the commissary-general of ordnance shall be entitled to the rank, pay, and

* Repealed and supplied by act of 8th February, 1815, chapter 99.
† See supplementary act, chapter 89. ‡ See chapter 84, section 6.

emoluments, of a colonel of infantry, and be further allowed at the rate of five hundred dollars per year, and four rations per day, for clerks in his department: the assistant commissary-general of ordnance shall be entitled to the rank, pay, and emoluments, of major of infantry, with three additional rations per day; the deputy commissaries of ordnance shall be entitled to the rank, pay, and emoluments, of a captain of infantry, with two additional rations per day, and forage for one horse; the assistant deputies shall have the rank, pay, and emoluments of a second lieutenant of infantry, with one additional ration per day.

the commissary-general, assistant, deputies, &c.

Sec. 4. *And be it further enacted*, That a master wheelwright, and carriage maker, and a master blacksmith, be allowed thirty dollars, each, per month, and one ration and one half of a ration per day; that any other wheelwrights, carriage makers, and blacksmiths, be allowed, each, sixteen dollars per month, and one ration and one half of a ration per day; that the laborers, each, be allowed nine dollars per month, and one ration per day.

Pay, &c. of wheelwrights, carriage makers, &c.

Sec. 5. *And be it further enacted*, That it shall be the duty of the commissary-general of ordnance to direct the inspection and proving of all pieces of ordnance, cannon balls, shells, and shot, procured for the use of the army of the United States; and to direct the construction of all carriages, and every apparatus for ordnance, for garrison and field service, and all ammunition wagons, pontons, and travelling forges; also the direction of laboratories, the inspection and proving the public powder, and the preparing all kinds of ammunition for garrison and field service; and shall, half yearly, examine all ordnance, carriages, ammunition, and apparatus, in the respective fortresses, magazines, and arsenals, and cause the same to be preserved and kept in good order.

Duties of the commissary-general of ordnance.

Sec. 6. *And be it further enacted*, That the commissary-general of ordnance shall execute all orders issued by the secretary for the department of war, in conveying all ordnance, ammunition, and apparatus, to the respective armies, garrisons, magazines, and arsenals; and, in time of war, he shall execute all orders of any general officer, commanding in any army or garrison, for the supply of ordnance, ammunition, carriages, pontons, forges, furnaces, or apparatus, for garrison, field, or siege service, and forward the same, without delay, and in good condition.

The commissary-general of ordnance to execute all orders issued by the secretary of war; and, in time of war, the orders of any general officer, &c.

Sec. 7. *And be it further enacted*, That the commissary-general of ordnance shall, half yearly, transmit to the department of war a correct return of all ordnance, ammunition, military stores and effects, in the respective garrisons, arsenals, magazines, posts, and camps, with a statement of their order, quality, and condition; and also what may be necessary to keep up an ample supply of each and every article in the ordnance department, and shall, in all things, faithfully and without delay, execute the orders of the secretary for the department of war touching the same.

The commissary-general of ordnance to transmit, half yearly, a correct return of all ordnance, ammunition, &c. with a statement, &c.

The superintendents of military stores, keepers of magazines, &c. to make, half yearly, correct returns to the commissary-general, and the assistant commissary-general to execute all orders, &c.

SEC. 8. *And be it further enacted*, That, the superintendents of military stores, keepers of magazines and arsenals, shall, half yearly, make correct returns, to the commissary-general of ordnance, of all military stores that they respectively have in charge; and that the assistant commissary-general of ordnance, the deputy commissaries, and assistant deputies, shall, faithfully and without delay, execute all orders that shall be issued by the secretary for the department of war, the commanding general, in time of war, of any corps, camp, or garrison, or of the commissary-general of ordnance, in their respective departments, by virtue of this act.

The commissary-general of ordnance to make a correct report, from time to time of artificers and laborers employed, &c.

SEC. 9. *And be it further enacted*, That the commissary-general of ordnance shall make a correct report of the artificers and laborers, from time to time, employed by him, and transmit the same to the adjutant-general.

$20,000 appropriated for defraying the expense that may be incurred under this act, &c.

SEC. 10. *And be it further enacted*, That, for defraying the expense that may be incurred in the execution of this act, the sum of twenty thonsand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

[*Approved*, *May* 14, 1812.]

CHAPTER 74.

An act making further provision for the army of the United States.*

The President empowered to appoint as many district paymasters as the service may require, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he hereby is, authorized and empowered to appoint so many district paymasters as, in his judgment, the service may require; and if such paymasters are taken from the line of the army, they shall, respectively, receive thirty dollars per month, in addition to their pay in the line: *Provided*, The same shall in no case exceed the pay and emoluments of a major; and if not taken from the line, they shall receive the same pay and emoluments as a major of infantry.

Proviso; the pay of a district paymaster not to exceed that of a major, &c.

The President authorized to appoint a paymaster to each regiment on the peace establishment, &c.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and empowered to appoint a paymaster to each regiment on the peace establishment, who shall receive the same pay and emoluments as a captain of the regiment to which he belongs: *Provided*,

* The provisions of this act, with the exception of section 7, may be considered repealed by the act of 3d March, 1815, chap. 100, not being therein recognized. Section 7, being a part of the rules and articles of war, is expressly recognized and continued by that act. So much of it however, as applies to the crime of desertion, is repealed by the act of 2d March, 1833, chap. 159, which, of course, revives the original act to that extent.

That all district and regimental paymasters shall be subject to the rules and articles of war, and give such bonds to the United States as the secretary for the department of war may direct, for the faithful performance of their duties. And it shall be the duty of the commanding officer, when requested by the paymaster, to furnish a capable non-commissioned officer or soldier to aid him in the discharge of his duty, who, while so employed, shall receive double pay.

Proviso; district and regimental paymasters subject to the rules and articles of war; to give bonds, &c.

The commanding officer to furnish a soldier, &c. to aid the paymaster, &c.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to appoint, from the captains and subalterns of the line of the army, so many sub-inspectors as the service may require, not exceeding one to each brigade; and such sub-inspectors shall each receive twenty-four dollars per month, in addition to his pay in the line.

The President authorized to appoint, &c. as many sub-inspectors as the service may require, &c. not exceeding, &c.

SEC. 4. *And be it further enacted*, That each brigade-major, provided by law, shall be allowed twenty-four dollars per month, in addition to his pay in the line.

Each brigade major, &c. allowed $24 per month additional

SEC. 5. *And be it further enacted*, That the general commanding the army of the United States shall be allowed a secretary, to be taken from the line of the army, who shall receive twenty-four dollars per month, in addition to his pay in the line, and shall be allowed forage for two horses.

The general commanding the army, to be allowed a secretary, &c.

SEC. 6. *And be it further enacted*, That, in addition to the non-commissioned officers and privates allowed to the regiment of light artillery, each company shall be entitled to twelve drivers of artillery, who shall be enlisted for five years, unless sooner discharged, and receive the same pay, rations, and clothing, as the privates of the army: *Provided*, Such drivers of artillery shall, at all times, be liable to do duty in the ranks when the company shall not be mounted.

Each company of light artillery entitled to 12 drivers, to be enlisted for 5 years, unless, &c. and liable to do duty in the ranks, when, &c.

SEC. 7. *And be it further enacted*, That so much of the "Act for establishing rules and articles for the government of the armies of the United States," as authorizes the infliction of corporeal punishment by stripes or lashes, be, and the same hereby is, repealed.

So much of the act mentioned, as authorizes the infliction of corporeal punishment by stripes or lashes, repealed.

[*Approved May* 16, 1812.]

CHAPTER 75.

An act to amend an act, entitled "An act to establish a quartermaster's department, and for other purposes."*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That neither the quartermaster-general, the commis-

Neither the quartermaster nor commissary-general, nor their de-

* See original act, chapter 68, with the note annexed thereto, the latter part of which, is applicable to sections 1, 3, and 4 of this act.

puties, &c. to be concerned, for commercial purposes, in the purchase or sale of any article intended for their respective departments, &c. except, &c.

sary-general, nor any or either of their deputies or assistant deputies, shall be concerned, directly or indirectly, in the purchase or sale, for commercial purposes, of any article intended for, making a part of, or appertaining to, their respective departments, except for, and on account of, the United States; nor shall they, or either of them, take or apply to his or their own use, any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

The quartermaster-general empowered to appoint one principal barrack-master, and as many deputies as may be necessary, &c. not exceeding, &c.

SEC. 2. *And be it further enacted*, That the quartermaster-general be, and he is hereby, empowered to appoint, one principal barrack-master, and as many deputy barrack-masters as may, from time to time, be necessary, not exceeding one to each separate barrack or cantonment; which said principal barrack-master shall be entitled to receive the same pay, rations, and emoluments as the principal forage-master; and each of his deputies, the same pay, rations, and emoluments, as is by law allowed to a deputy forage-master.

The secretary of war may make an additional allowance to the quartermaster, and commissary-general, for office rent, fuel, &c.

SEC. 3. *And be it further enacted*, That, in addition to the allowance made to the quartermaster-general and commissary-general, respectively, in and by the act hereby amended, it shall and may be lawful for the secretary for the department of war for the time being, to allow to them, respectively, such sums as, in his opinion, shall have been actually and necessarily expended in their several departments for office rent, fuel, candles, and extra clerk hire.

The quartermaster-general, deputies, &c. to enter into bonds, &c.

SEC. 4. *And be it further enacted*, That the quartermaster-general, the deputy quartermasters, and the assistant deputy quartermasters, shall, before they, or either of them, enter upon the duties of their appointment, respectively enter into bond, with sufficient security, to be approved of by the secretary of war, conditioned for the faithful expenditure of all public moneys, and accounting for all public property, which may come to their hands, respectively; and the quartermaster-general shall not be liable for any money or property that may come into the hands of the subordinate officers of his department.

The quartermaster-general not liable for money, &c. that may come into the hands of subordinate officers, &c.

The 6th section of the act amended, repealed.

SEC. 5. *And be it further enacted*, That the sixth section of the act hereby amended, be, and the same is hereby, repealed. [*Approved, May* 22, 1812.]

CHAPTER 76.

An act for the more perfect organization of the army of the United States.*

The infantry of the army to consist of 25 regiments.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the infantry of the army of the United States shall con-

* This act, with the exception of that part of section 5 which relates to the rule of promotions, is superseded by act of 3d March, 1815, chapter 100.

sist of twenty-five regiments, and that a regiment shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies. Organization of a regiment.

SEC. 2. *And be it further enacted*, That each company shall consist of one captain, one first lieutenant, one second lieutenant, one ensign, four sergeants, six corporals, two musicians, and ninety privates. Organization of a company.

SEC. 3. *And be it further enacted*, That, to the regiment of cavalry, authorized by the act, passed January eleventh, one thousand eight hundred and twelve, entitled "An act to raise an additional military force,"* there shall be added one riding-master; and to the regiment of light dragoons authorized by the act, passed April twelfth, one thousand eight hundred and eight, entitled "An act to raise for a limited time, an additional military force,"† one surgeon's mate. A riding-master to the regiment of cavalry mentioned. A surgeon's mate to the regiment of light dragoons mentioned.

SEC. 4. *And be it further enacted*, That each troop of cavalry, or light dragoons, shall consist of one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, six corporals, two musicians, one master of the sword, one saddler, one farrier, one blacksmith, and sixty-four privates; and the pay and emolument of a master of the sword shall be the same as those of a riding-master, and the pay and emolument of a blacksmith shall be the same as those of a farrier. Organization of a troop of cavalry, &c. The pay, &c. of a master of the sword the same as that of a riding master; and of a blacksmith, the same as a farrier.

SEC. 5. *And be it further enacted*, That the military establishment authorized by law previous to the twelfth day of April, one thousand eight hundred and eight, and the additional military force raised by virtue of the act of the twelfth of April, one thousand eight hundred and eight, be, and the same are hereby, incorporated; and that, from and after the passing of this act, the promotions shall be made through the lines of artillerists, light artillery, dragoons, riflemen, and infantry, respectively, according to established rule. The military establishment authorized previous to the 12th April, 1808, and the additional military force under the act mentioned, incorporated. Promotions to be made through the lines, respective &c. according to rule.

[*Approved*, *June* 26, 1812.]

CHAPTER 77.

An act respecting the pay of the army of the United States.‡

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the officers, non-commissioned officers, musicians, and privates, of the army of the United States, shall receive the same pay, forage, rations, clothing, and other emoluments, as The officers and soldiers of the army, to receive the same pay, forage, rations, &c. as the officers and soldiers

*Chapter 65. †Chapter 57.

‡ Superseded by act of 3d March, 1815, which refers to and adopts the provisions of the same act in respect to pay, &c.

are entitled to by the act to raise, for a limited time, an additional military force, &c.

the officers of the same grade and corps, non-commissioned officers, musicians, and privates, are entitled to by the act, entitled "An act to raise, for a limited time, an additional military force,"* passed April twelfth, one thousand eight hundred and eight; and to the aid-de-camp of a brigadier, to a brigade-quartermaster, brigade-inspector, and adjutant, there shall be allowed forage for one horse only, or, in lieu thereof, ten dollars per month; and to the brigade-majors, under the act passed January the eleventh, one thousand eight hundred and twelve, there shall be allowed forage for one horse, or, in lieu thereof, ten dollars per month; and the pay of a quartermaster-sergeant shall be nine dollars per month.

[*Approved, July* 6, 1812.]

CHAPTER 78.

An act making further provisions for the army of the United States, and for other purposes.†

Two additional brigadier-generals may be appointed by the President and senate, &c.

The brigadier-generals, aids, &c. to receive the same pay, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint two brigadier-generals, in addition to those already authorized by law, who shall each be entitled to the same number of aids and brigade-majors, as are allowed to a brigadier-general under the act of Congress, passed the eleventh of January, one thousand eight hundred and twelve. And the said brigadier-generals, aids, and brigade-majors, shall be entitled to receive the same pay and emoluments as are by law allowed to officers of the same grade.

The President may appoint a deputy adjutant-general, &c. to any army, other than that in which the adjutant-general, &c. serves, &c. to be taken from the line of the army; pay, &c.

Not exceeding three assistant deputies to each department, as

SEC. 2. *And be it further enacted*, That to any army of the United States, other than that in which the adjutant-general, inspector-general, quartermaster-general, and paymaster of the army, shall serve, it shall be lawful for the President to appoint one deputy adjutant-general, one deputy inspector-general, one deputy quartermaster-general, and one deputy paymaster-general, who shall be taken from the line of the army, and who shall, each, in addition to his pay and other emoluments, be entitled to fifty dollars per month, which shall be in full compensation for his extra services. And that there shall be, to each of the foregoing deputies, such number of assistant deputies (not exceeding three to each department) as the public service

* See chapter 57, section 4.

† The first and second sections of this act, relating to organization and pay, are superseded by the provisions of the act of March 3d, 1815, chapter 100. The residue, from their nature and general import, are not liable to be incidentally repealed.

may require, who shall, in like manner, be taken from the line, and who shall, each, be entitled to thirty dollars per month, in addition to his pay and other emoluments, which shall be in full compensation for his extra services: *And provided also*, That the President of the United States be, and he is hereby, authorized to appoint any of the officers named in this act during the recess of the Senate, to be submitted to the Senate, at their next meeting, for their advice and consent.

the service may require, to be taken from the line; pay, &c.

Proviso; the President authorized to appoint any of the officers named, in the recess, to be submitted, &c.

SEC. 3. *And be it further enacted*, That all letters and packages to and from the adjutant-general and inspector-general, shall be free from postage.

Letters, &c. to and from the adjutant and inspector-generals to be free, &c.

SEC. 4. *And be it further enacted*, That the President is hereby authorized to confer brevet rank on such officers of the army as shall distinguish themselves by gallant actions, or meritorious conduct, or who shall have served ten years in any one grade:* *Provided*, That nothing herein contained shall be so construed as to entitle officers so brevetted to any additional pay or emoluments, except when commanding separate posts, districts, or detachments, when they shall be entitled to, and receive, the same pay and emoluments to which officers of the same grades are now, or hereafter may be, allowed by law.

The President authorized to confer brevet rank on officers who distinguish themselves, &c. or who have served ten years, &c.

Proviso; nothing herein to entitle officers brevetted to additional pay, &c. except when commanding separate posts, &c.

SEC. 5. *And be it further enacted*, That the officers who shall not take waiters from the line of the army, shall receive the pay, clothing, and subsistence allowed to a private soldier, for as many waiters as they may actually keep, not exceeding the number allowed by existing regulations.

Officers who do not take waiter from the line, to receive the pay, &c. of a private soldier, for as many waiters, &c.

[*Approved*, *July* 6, 1812.]

CHAPTER 79.

An act increasing the pay of the non-commissioned officers, musicians, privates, and others, of the army, and for other purposes.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the thirty-first day of December, eighteen hundred and twelve, the monthly pay of the non-commissioned officers, musicians, privates, drivers, bombardiers, matrosses, sappers, miners, artificers, saddlers, farriers, and blacksmiths, who have enlisted, or shall hereafter enlist, in the service of the United States, shall, during the continuance of the war between the United States of America, and their territories, and the

After the 31st of Dec. 1812; the monthly pay of the non-commissioned officers, privates, etc. to be as specified.

*So much of this act as authorizes brevet rank to be conferred for ten years service in one grade, is repealed by act of 30th June, 1834, chapter 165—See also chapter 116.

†Rendered obsolete by the termination of the war. For pay, subsequently, see provisions of the act of 3d March, 1815, chapter 100.

Specification of monthly pay.

United Kingdom of Great Britain and Ireland, and the dependencies thereof, be as follows, to wit: To each sergeant-major and quartermaster-sergeant, twelve dollars; to each sergeant and principal musician, eleven dollars; to each corporal, ten dollars; to each musician nine dollars; to each private, driver, bombardier, matross, sapper, and miner, eight dollars; to each artificer, saddler, farrier, and blacksmith, not attached to the quastermaster-general's and ordnance department, thirteen dollars,

During the continuance of the war with Great Britain, no non-commissioned officer, private, etc. liable to arrest for debt, etc.

SEC. 2. *And be it further enacted*, That, during the continuance of the war with Great Britain, no non-commissioned officer, musician, private, driver, bombardier, matross, sapper, miner, artificer, saddler, farrier, or blacksmith, enlisted in the service of the United States, during his continuance in service, shall be arrested, or subject to arrest, or to be taken in execution, for any debt before or after enlistment.

Non-commissioned officers, privates, etc. recruited after the promulgation of this act, may enlist to serve during the war, or for five years, at option, etc.

SEC. 3. *And be it further enacted*, That every non-commissioned officer, musician, and private, who shall, after the promulgation of this act, be recruited in the regular army of the United States, may, at his option, to be made at the time of enlistment, engage to serve during the present war with Great Britain, instead of the term of five years; and shall, in case he makes such option, be entitled to the same bounty in money and land, and to all other allowances, and be subject to the same rules and regulations, as if he had enlisted for the term of five years.

[*Approved*, *December* 12, 1812.]

CHAPTER 80.

An act supplementary to the act, entitled "An act for the more perfect organization of the army of the United States."*

The President authorized to appoint one additional major to the 1st regiment mentioned.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint one additional major to the first regiment of light dragoons, the regiment of light artillery, each regiment of infantry, and the rifle regiment, in the army of the United States, who shall receive the like pay, rations, forage, and other emoluments, as officers of the same grade and corps of the present establishment.

A third lieutenant to be appointed to each

SEC. 2. *And be it further enacted*, That there be appointed, in manner aforesaid, one third lieutenant to each troop or company in the army of the United States, who, if of cavalry or

*This act is superseded by that of 3d March, 1815, fixing the peace establishment of the United States—See chapter 100.

light dragoons shall receive the monthly pay of thirty dollars, and of other corps, twenty-three dollars, and be allowed the same forage, rations, and other emoluments, as second lieutenants of the same corps to which they belong. company in the army, etc.

Sec. 3. *And be it further enacted*, That there be allowed to each troop or company in the army of the United States, one additional sergeant, who shall receive the like pay, clothing, rations, and other emoluments, as sergeants of the present military establishment. An additional sergeant allowed to each troop or company in the army, etc.

Sec. 4. *And be it further enacted*, That, in order to complete the present military establishment to the full number authorized by law, with the greatest possible despatch, there shall be paid to each effective, able bodied man, who shall be duly enlisted into the service of the United States, after the first day of February next, to serve for the term of five years, or during the war, an advance, of twenty-four dollars, on account of his pay, in addition to the existing bounty, one half of such advance to be paid at the enlistment of the recruit, and the other half when he shall be mustered, and have joined some military corps of the United States, for service; and a bounty of one hundred and sixty acres of land, as heretofore established by law.* $24 on account of pay, etc. to be advanced to each able bodied man enlisted after the 1st Feb. 1813, etc. Bounty of 160 acres of land, etc.

Sec. 5. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive for every effective able bodied man, who shall be duly enlisted after the first day of February next, by them, for the term of five years or during the war, and mustered, and between the ages of eighteen and forty-five years, the sum of four dollars: *Provided, nevertheless*, That this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided also*, That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer. Commissioned officers employed in recruiting, entitled to receive $4 for each man enlisted, etc. Proviso; the regulation respecting age, not to extend to musicians or soldiers who re-enlist. Proviso; persons under the age of 21, not to be enlisted without the written consent of parents, etc. Officers enlisting persons contrary to this act, to forfeit and pay the amount of bounty and clothing, etc.

Sec. 6. *And be it further enacted*, That it shall be lawful for any person, during the time he may be performing a tour of militia duty, to enlist in the regular army of the United States, and the recruiting officers are hereby authorized to enlist any such person, in the same manner, and under the same regulations, as if he were not performing such militia duty; and every person who shall enlist, while performing a tour of militia duty Persons performing a tour of militia duty may be enlisted, and be thereby exonerated from serving the remainder of the tour, etc.

* So much of this section as relates to an advance of pay to recruits, is specially repealed by chapter 90, section 1.

as aforesaid, shall be thereby exonerated from serving the remainder of said tour; and the state to which he may belong shall not be required to furnish any other person to serve in his stead.

[*Approved, January* 20, 1813.]

CHAPTER 81.

An act in addition to the act, entitled "An act to raise an additional military force," and for other purposes.*

Not exceeding 20 regiments of infantry to be enlisted for one year, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in addition to the present military establishment of the United States, there be raised such number of regiments of infantry, not exceeding twenty, as, in the opinion of the President, may be necessary for the public service, to be enlisted for the term of one year, unless sooner discharged.

Organization of each regiment.

SEC. 2. *And be it further enacted*, That each of the said regiments shall consist of one colonel, one lieutenant-colonel, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies.

Organization of each company.

SEC. 3. *And be it further enacted*, That each company shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, one ensign, five sergeants, six corporals, two musicians, and ninety privates.

The President may appoint officers during the recess, to be submitted, etc.

SEC. 4. *And be it further enacted*, That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint such of the officers authorized by this act, as may not be appointed during the present session; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

Officers and soldiers to receive the same pay, etc. as the officers, etc. of the present military establishment; except, etc.

SEC. 5. *And be it further enacted*, That all the officers, non-commissioned officers, musicians, and privates, authorized by this act, shall receive the like pay, forage, rations, clothing, and other emoluments, (the land and bounty excepted,) as the officers of the same grade and corps, non-commissioned officers, musicians, and privates, of the present military establishment.

The officers, and soldiers, to be governed by the rules and articles of war.

SEC. 6. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates, of the regiments hereby authorized to be raised, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles as may be hereafter by law established.

* Superseded by the provisions of the act of 3d March, 1815, fixing the peace establishment—See chapter 100.

SEC. 7. *And be it further enacted*, That the commissioned officers, who shall be employed in recruiting the force authorized by this act, shall be entitled to receive, for every person enlisted by them into this service, for the term specified, and approved by the commanding officer of the regiment, and between the ages of eighteen and forty-five years, the sum of two dollars: *Provided, nevertheless*, That this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers, who may re-enlist into the service: *And provided also*, That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing, which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Commission officers to receive $2 for every person enlisted, etc.

Proviso; the regulation respecting the age of the recruit, not to extend to musicians, etc.

No person under 21 to be enlisted, without consent of parents, etc.

Any officer enlisting persons contrary to this act, forfeits the amount of bounty and clothing, etc.

SEC. 8. *And be it further enacted*, That there shall be allowed and paid to each man recruited as aforesaid, a bounty of sixteen dollars; but the payment of eight dollars of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States.

$16 bounty to each man; the payment of $8 to be deferred, &c.

SEC. 9. *And be it further enacted*, That the said regiments shall be paid in such manner, that the arrears shall, at no time, exceed two months, unless the circumstances of the case shall render it unavoidable.

Arrears of pay never to exceed 2 months, unless, &c.

SEC. 10. *And be it further enacted*, That if any officer, non-commissioned officer, musician, or private, shall be disabled, by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension and under such regulations as are or may be directed by law: *Provided always*, That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Disabled officers and soldiers to be placed on the list of invalids, &c.

Proviso; the compensation for wounds, &c. to a commissioned officer, not to exceed half his monthly pay, &c.

No officer to receive more than half the monthly pay of lieut. col.

Proviso; inferior disabilities to be allowed in proportion.

SEC. 11. *And be it further enacted*, That if any commissioned officer shall, while in the service of the United States, die, by reason of any wound received in actual service of the United States, and leave a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death,

Widows or children of commissioned officers dying from wounds received in actual service, entitled to half the monthly pay for five years.

In case the widow dies or marries, before, &c. the half pay to go to the children, &c.

for and during the term of five years: but, in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided always*, That such half pay shall cease on the decease of such child or children.

Non-commissioned officers, musicians, or privates, deserting the service, to make good the time of enlistment, &c.

SEC. 12. *And be it further enacted*, That if any non-commissioned officer, musician, or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court-martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

Officers, soldiers, &c. to take an oath, &c.

SEC. 13. *And be it further enacted*, That every officer, non-commissioned officer, musician, and private, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear or affirm, (as the case may be) that I will bear true faith and allegiance to the United States of America; and that I will serve them, honestly and faithfully against their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Form of the oath.

Extra expenses incurred by commissioned officers in travelling and sitting on general courts-martial to be allowed, &c.

SEC. 14. *And be it further enacted*, That where any commissioned officer shall be obliged to incur any extra expense, in travelling and sitting on general courts-martial, he shall be allowed a reasonable compensation for such extra expense actually incurred, not exceeding one dollar and twenty-five cents per day to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

Officers and soldiers discharged from service to be allowed pay and rations to travel to their places of residence, &c.

SEC. 15. *And be it further enacted*, That whenever any officer or soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

A chaplain to be appointed to each brigade, &c.

SEC. 16. *And be it further enacted*, That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

No field or staff officer, &c. entitled to receive pay or emolument, till called into actual service, &c.

SEC. 17. *And be it further enacted*, That no field or staff officer, who may be appointed by virtue of this act, shall be entitled to receive any pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein.

Acts concerning volunteer military corps, repealed.

SEC. 18. *And be it further enacted*, That the act entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," and the act, entitled "An act supplementary to the act, entitled "An

act authorizing the President of the United States to accept and organize certain volunteer military corps," be, and the same are hereby, repealed, from and after the first day of February next: *Provided*, That nothing herein contained shall be so construed as to deprive the officers and men who may have entered the service as volunteers, under the said acts, of any rights, immunities, or privileges, therein secured, or the United States of the services of such volunteers, agreeably to the provisions of said acts.

Proviso; nothing herein to deprive volunteer officers and men, &c. of any rights, &c.

[*Approved, January* 29, 1813.]

CHAPTER 82.

An act making provision for an additional number of general officers.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint six major-generals in addition to those already authorized by law; each of whom shall be allowed two aids-de-camp, to be taken from the officers of the line; and six brigadier-generals, who shall be allowed a brigade-major, and one aid-de-camp each, to be taken also from the officers of the line.

Six major-generals to be appointed in addition, &c.

Two aids-de-camp allowed to each.

Six brigadier-generals; brigade majors, &c.

SEC. 2. *And be it further enacted*, That the officers authorized by this act shall receive the same pay, forage, rations, and other emoluments, as the officers of the same grade of the present military establishment.

The officers authorized by this act, to receive the same pay, &c. as those of the same grade in the present military establishment.

[*Approved, February* 24, 1813.]

CHAPTER 83.

An act the better to provide for the supplies of the army of the United States, and for the accountability of persons entrusted with the same.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the third section of the act, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and

The 3d section of the act to provide for erecting and repairing arsenals, &c. re-

*Superseded by the provisions of the act of 3d March, 1815, fixing the peace establishment, chapter 100.

†The 8th and 9th sections of this act were superseded by act of 3d March, 1815, chapter 100. The residue, with the exception of section 5, was repealed by act of 3d March, 1817, chapter 109. Section 5 confers general powers, without limitation as to time, and does not appear liable to be repealed incidentally.

pealed after 31st March, 1813.

for other purposes,"* passed on the second day of April, one thousand seven hundred and ninety-four, be, and the same is hereby, repealed, from and after the thirty-first day of March, one thousand eight hundred and thirteen.

A superintendent-general of military supplies, &c.

Salary of $3000.

Duties of the superintendent-general, &c.

SEC. 2. *And be it further enacted*, That there shall be a superintendent-general of military supplies, who shall reside at the seat of government, and receive an annual salary of three thousand dollars; and whose duty it shall be, under the direction of the secretary for the war department, to keep proper accounts of all the military stores and supplies of every description, purchased or distributed for the use of the army of the United States, and of the volunteers and militia in their service; to prescribe the forms of all the returns and accounts of such stores and supplies purchased, on hand, distributed, used, or sold, to be rendered by the commissary of ordnance and officers in his department, by the commissary-general of purchases and his deputies, by the several officers in the quartermaster-general's department, by the regimental quartermasters, by the hospital surgeons and other officers belonging to the hospital and medical department, and by all other officers, agents, or persons, who shall have received, distributed, or been intrusted with, such stores and supplies, as aforesaid; to call to account all such persons; to audit and settle all such accounts, and, in case of delinquency, to transmit the account, and to state the value of the articles unaccounted for by such delinquency, to the accounting officers of the treasury, for final settlement and recovery of such value; to transmit all such orders, and, generally, to perform all such other duties, respecting the general superintendence of the purchase, transportation, safe keeping, and accountability of military supplies and stores, as aforesaid, as may be prescribed by the secretary for the war department.

The commissary general of purchases, &c. to render quarterly accounts to the superintendent-general of military supplies, &c.

SEC. 3. *And be it further enacted*, That the commissary-general of purchases and his deputies, the several officers in the quartermaster's department, the regimental quartermasters, the commissary of ordinance, his assistant and deputies, the principal hospital surgeons and officers belonging to the hospital and medical departments, and all other officers, agents, or persons, who shall have received, or may be intrusted with, any stores or supplies, of any description whatever, for the use of the army of the United States, and of the volunteers or militia in their service, shall render quarterly accounts of the disposition and state of all such stores and supplies to the superintendent aforesaid; and shall also make such other returns respecting the same, and at such other times, as the secretary for the war department may prescribe: *Provided however*, That the accounts and returns thus rendered shall relate to the articles of supply only, which may have been received and disposed of, or as may remain on hand, and shall not embrace

Proviso; the accounts, &c. rendered, to relate only to the articles of supply received and disposed of, &c.

* See chapter 19.

the specie accounts for money disbursed by such officers, agents, or other persons; which specie accounts shall be rendered, as heretofore, to the accountant for the war department.

Specie accounts to be rendered as heretofore, &c.

SEC. 4. *And be it furthr enacted*, That the officers, agents, or other persons, who may receive money in advance from the war department, shall render quarterly accounts to the accountant of the said department, of their specie receipts and disbursements, and shall, moreover, make such other monthly summary statements thereof to the secretary for the said department, as he may prescribe. And the quarterly accounts of supplies, or of moneys rendered as aforesaid, shall be, respectively, settled by the superintendent general of military supplies, and by the accountant of the war department, according to their respective authorities, within three months after the time when such accounts shall have, respectively, been rendered to them.

Officers, agents, &c. who receive money in advance from the war department, to render quarterly accounts to the accountant, &c

The quarterly accounts of supplies or moneys to be settled within three months by the superintendent-general and accountant, &c.

SEC. 5. *And be it further enacted*, That the secretary for the war department shall be, and he is hereby, authorized and directed to define and prescribe the species, as well as the amount, of supplies to be respectively purchased by the commissary-general's and quartermaster-general's departments, and the respective duties and powers of the said departments respecting such purchases; and also to adopt and prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may, by virtue of such regulations, be intrusted with the same.

The secretary of the war department directed to define the species, as well as the amount, of supplies, to be purchased by the commissary and quartermasters-generals' departments, &c. and prescribe general regulations for the transportation of articles of supply, &c.

And the secretary aforesaid is also authorized to fix and make reasonable allowances for the store rent, storage, and salary of storekeepers necessary for the safe keeping of all military stores and supplies.

The secretary to make reasonable allowances, &c.

SEC. 6. *And be it further enacted*, That the superintendent-general of military supplies shall be appointed by the President, with the advice and consent of the Senate; but the President is hereby authorized to make the appointment during the recess of the Senate; which appointment shall be submitted to the Senate at their next meeting, for their advice and consent.

The superintendent-general of military supplies to be appointed by the President and Senate, &c.

SEC. 7. *And be it further enacted*, That the superintendent-general of military supplies shall be authorized to employ a sufficient number of clerks: *Provided*, That their annual compensation shall not exceed, in the whole, seven thousand dollars; and the sum of eight thousand dollars is hereby appropriated for paying the said compensation, and that of the superintendent aforesaid, during the year one thousand eight hundred and thirteen, to be paid out of any moneys in the treasury, not otherwise appropriated.

The superintendent-general, &c. authorized to employ clerks, provided their annual compensation does not exceed $7,000.

$8,000 appropriated for paying clerk hire, &c.

SEC. 8. *And be it further enacted*, That the President of the United States be, and he is hereby, empowered, as he may deem it expedient, either to appoint, for the time being, a spe-

The President may appoint special commissaries, or autho-

rize officers in the quartermaster-general's department, to supply subsistence for the army, when it may be necessary from the want of contractors, &c.

cial commissary or commissaries, for the purpose of supplying by purchase or contract, and of issuing, or to authorize any officer or officers in the quartermaster-general's department to supply and issue, as aforesaid, the whole or any part of the subsistence of the army, in all cases where, either from the want of contractors, or from any deficiency on their part, or from any other contingency, such measure may be proper and necessary in order to insure the subsistence of the army, or of any part thereof; and such special commissaries shall, each, whilst employed, be entitled to the pay and emoluments of a deputy quartermaster-general.

Pay, &c. of special commissaries, &c.

The President authorized to appoint not exceeding six assistant commissaries, &c. for the purpose of receiving and distributing clothing and other supplies, &c.

Sec. 9. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint not exceeding six assistant-commissaries, to be attached to such army, or to reside at such places, respectively, as the secretary for the war department may direct, for the purpose of receiving from the commissary-general of purchases, or from his deputies, and of distributing to the regimental quartermasters, and to such officers as may, by the secretary aforesaid, be designated, the clothing and other supplies purchased by the commissary-general aforesaid, or his deputies, and destined for the use of the troops belonging to the army, or in the vicinity of the place to which such assistant commissaries may respectively be attached. And said assistant commissaries shall, whilst employed, be entitled to the pay and emoluments of a deputy quartermaster-general.

Pay, &c. of assistant commissaries.

[*Approved*, *March* 3, 1813.]

CHAPTER 84.

An act for the better organization of the general staff of the army of the United States.*

The adjutant general's inspector general's, and quartermaster-general's departments, to consist of the officers mentioned.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the adjutant-general's inspector-general's and quartermaster-general's departments, shall consist of the following officers; that is to say: an adjutant and inspector-general, with the rank, pay, and emoluments, of a brigadier-general, and not exceeding eight adjutants-general, sixteen assistant adjutants-general, eight topographical engineers, eight assistant topographical engineers, eight inspectors-general, sixteen assistant inspectors-general, eight quartermasters-general, eight deputy quartermasters-general, and thirty-two assistant deputy quartermasters-general.

* This act was virtually repealed by that of the 3d March, 1815, chapter 100, fixing the peace establishment. All its provisions respecting pay emoluments, and privileges, were, however, re-established by the act of 24th of April, 1816, for the staff therein authorized.—See chapter 103, section 9.

SEC. 2. *And be it further enacted*, That the President of the United States be, and is hereby, authorized, if he shall deem it expedient, to assign one of the brigadiers-general to the principal army of the United States, who shall, in such case, act as adjutant and inspector-general, and as chief of the staff of such army: and the quartermaster-general attached to the principal army shall, as heretofore, have the brevet rank, and the pay and emoluments, of a brigadier-general.

The President may assign a brigadier general to the principal army of the U. S. in which case he is to act as adjutant and inspector-general, etc. The quartermaster-general, attached, etc. to have the brevet rank, etc. of brigadier-general.

SEC. 3. *And be it further enacted*, That all the other adjutants-general shall have the brevet rank, and the pay and emoluments, of a colonel of cavalry; all the other inspectors-general and quartermasters-general shall have the brevet rank, and the pay and emoluments, of a colonel of infantry; the assistant adjutants-general, assistant inspectors-general, deputy quartermasters-general, and topographical engineers, shall have the brevet rank, and the pay and emoluments, of a major of cavalry; and the assistant topographical engineers, and assistant deputy-quartermasters general, shall have the brevet rank, and the pay and emoluments, of a captain of infantry.

Rank, pay, etc. of other adjutants-general. Rank, etc. of inspectors and quartermasters-general. Rank and pay of assistants adjutants-general, assistant inspectors-general.

SEC. 4. *And be it further enacted*, That the assistant adjutants-general, the assistant inspectors-general, and the assistant topographical engineers, shall be taken from the line. The adjutants-general, inspectors-general, quartermasters-general, deputy quartermasters-general, topographical engineers, and assistant deputy quartermasters-general, may be taken from the line or not, as the President may deem expedient. And officers taken from the line, and transferred to the staff, shall receive only the pay and emoluments attached to the rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line according to their said rank and seniority; which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

Assistants adjutants-general, etc. to be taken from the line. Adjutants-generals, etc. from the line or not, etc. Officers transferred from the line to the staff, to receive only the pay, etc. attached to the rank in the staff; their transfer to be without prejudice, etc.

SEC. 5. *And be it further enacted*, That it shall be the duty of the secretary of the war department, and he is hereby authorized, to prepare general regulations, better defining and prescribing the respective duties and powers of the several officers in the adjutant-general, inspector-general, quartermaster-general, and commissary of ordnance, departments, of the topographical engineers, of the aids of generals, and generally of the general and regimental staff; which regulations, when approved by the President of the United States, shall be respected and obeyed, until altered or revoked by the same authority. And the said general regulations, thus prepared and approved, shall be laid before Congress at their next session.

The secretary of war authorized to prepare general regulations, prescribing the duties and powers of the officers of the staff. The regulations, when approved, etc, to be respected and obeyed, etc. and to be laid before Congress.

SEC. 6. *And be it further enacted*, That the number of assistant deputy commissaries of ordnance shall not exceed sixteen, and that they shall, respectively, be entitled to the brevet rank, and to the pay and emoluments of a first lieutenant of infantry.

Assistant deputy commissaries of ordnance not to exceed 16, etc.

SEC. 7. *And be it further enacted*, That, for the better superintendence and management of the hospital and medical es-

A physician and surgeon-general,

with an annual salary of $2,500, and an apothecary-general, with the salary of $1,800, etc.

tablishment of the army of the United States, there shall be a physician and surgeon-general, with an annual salary of two thousand five hundred dollars, and an apothecary-general, with an annual salary of eighteen hundred dollars; whose respective duties and powers shall be prescribed by the President of the United States.

Each quartermaster-general, attached to any separate army, under direction, etc. authorized to appoint as many foragemasters, etc. as the service requires.

SEC. 8. *And be it further enacted*, That the forage, wagon, and barrack, masters, shall be appointed as heretofore: but each quartermaster-general, attached to any separate army, command, or district, shall be authorized, with the approbation, and under the direction, of the secretary of the war department, to appoint as many such officers, and to employ as many artificers, mechanics, and laborers, as the public service may require.

Assistant deputy quartermasters-general, etc. may be appointed by the President alone; but, etc.

SEC. 9. *And be it further enacted*, That the assistant deputy quartermasters-general may be appointed, and officers taken from the line and transferred to the staff may be thus transferred, by the President of the United States alone. But all other new appointments authorized by this act shall be made by the President of the United States, with the advice and consent of the Senate: *Provided*, That, during the recess of the Senate, such appointments may be made by the President alone; in which case the same shall be laid before the Senate at their next session, for their advice and consent.

Proviso; during the recess, appointments may be made by the President alone, etc.

Acts, and parts of acts within the purview of this act, repealed.

SEC. 10. *And be it further enacted*, That every act, and every part of any act, of Congress, now in force, within the purview and meaning of this act, be, and the same are hereby, repealed.

Letters and packets to and from the adjutant and inspector-general, etc. free of postage.

SEC. 11. *And be it further enacted*, That all letters and packets to and from the adjutant and inspector-general, adjutants-general, inspectors-general, quartermasters-general, commissary-general of ordnance, physician and surgeon-general, and apothecary-general which relate to their official duties, shall be free from postage.

The President empowered to appoint any of the officers authorized by the act making provision for an additional number of general officers, in the recess, etc.

SEC. 12. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint any of the officers authorized by an act, entitled "An act making provision for an additional number of general officers,"* passed the twenty-fifth day of February, one thousand eight hundred and thirteen, during the recess of the Senate, to be submitted to the Senate at their next session for their advice and consent; and that no officer appointed, or who may be appointed, by virtue of the aforesaid act, shall be entitled to receive any pay or emolument until he shall be called into actual service, nor for any longer time than he shall be continued therein.

No officer appointed, etc. entitled to any pay, till called into actual service, etc.

[*Approved, March* 3, 1813.]

* See chapter 82.

CHAPTER 85.

Resolution requesting the President of the United States to cause to be prepared and laid before Congress a system of military discipline.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, requested to cause to be prepared and laid before Congress, as soon as practicable, a military system of discipline for the infantry of the army and militia of the United States.

The President requested to cause to be prepared and laid before Congress, a system of military discipline for the infantry of the army and militia, etc.

[*Approved, March* 3, 1813.]

CHAPTER 86.

An act to amend the "Act in addition to the act, entitled "An act to raise an additional military force, and for other purposes."*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That five of the regiments which were authorized to be raised by "An act in addition to the act, entitled "An act to raise an additional military force, and for other purposes," passed the twenty-ninth day of January, one thousand eight hundred and thirteen, may, at the discretion of the President of the United States, be enlisted for and during the war, unless sooner discharged, and be limited as to service, to the defence of the seaboard of the United States, or of such part thereof as the President may elect and determine.

Five of the regiments authorized by the act mentioned, may be enlisted for the war, etc. and be limited to the defence of the seaboard, etc.

SEC. 2. *And be it further enacted,* That each man recruited under the authority of this act, be allowed the same bounty, in money and land, as is allowed by law to men enlisted for five years, or for the war; and that the officers, non-commissioned officers, musicians, and privates, shall receive the same pay, clothing, subsistence, and forage, be entitled to the same benefits, be subject to the same rules and regulations, and be placed, in every respect, on the same footing, as the other regular troops of the United States.

Each man recruited under this act, allowed the same bounty, etc. as men enlisted for 5 years

Officers and soldiers placed on the same footing as other regular troops.

[*Approved, July* 5, 1813.]

CHAPTER 87.

An act to regulate the allowance of forage to officers in the army of the United States.†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,*

Officers entitled to forage, to receive, in lieu,

* See original act, chapter 61, an additional act, chapter 81, with the notes thereon.

† This act was superseded by that of 3d March, 1815, chapter 100, which adopted, in every respect, the provisions of chapters 49 and 57, in regard to allowances. The provisions of this act were, however, again established by act of 24th April, 1816—See chapter 103, section 12.

etc. an equivalent in money, at the rate of $8 per month for each horse.

That all officers in the military service of the United States, who are by law entitled to forage, shall receive in lieu thereof, when not drawn in kind, an equivalent in money, at the rate of eight dollars per month for each horse to which they may be entitled: *Provided*, That no allowance shall be made to any officer for more horses than he shall actually employ in the public service.

Psoviso; no allowance for more horses than are actually employed.

[*Approved*, *July* 22, 1813.]

CHAPTER 88.

An act to authorize the appointment, by the President, of certain officers during the recess of the Senate.

The President authorized to appoint, in the recess, such officers of the five regiments authorized by the acts mentioned, as may not be appointed during the session, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint such of the officers of the five regiments, authorized by the act, entitled "An act in addition to the act, entitled "An act to raise an additional military force, and for other purposes,"* and the act supplementary thereto, passed the fifth day of July, one thousand eight hundred and thirteen, as may not be appointed during the present session, which appointments shall be submitted to the Senate at their next session, for their advice and consent.

The appointments to be submitted, etc.

[*Approved*, *August*, 2, 1813.]

CHAPTER 89.

An act supplementary to the act, entitled "An act for the better regulation of the ordnance.†

Not exceeding five additional deputy commissaries of ordnance may be appointed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled* That, in addition to the present number allowed by law, as many deputy commissaries of ordnance may be appointed, not exceeding five, as the President of the United States shall deem necessary to the public service; who shall be entitled to the same rank, pay, emoluments, rations and forage, as are provided by the act to which this is a supplement.

Their rank, pay, etc.

[*Approved*, *August* 2, 1812.

* See chapter 81 and 86.

† See original act, chapter 73, with the note thereto.

CHAPTER 90.

An act making further provision for filling the ranks of the regular army, encouraging enlistments, and authorizing the re-enlistments, for longer periods, of men whose term of service are about to expire.*

Each effective, able bodied man, enlisted after the 1st Feb. 1814, etc. to receive $124 in lieu of the bounty in money and the three months' pay at the end of the service.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, in order to complete the present military establishment to the full number authorized by law with the greatest possible despatch, there shall be paid, to each effective able bodied man who shall, after the first day of February next, be enlisted into the army of the United Stctes, to serve for the term of five years, or during the war, at his election, in lieu of the bounty in money, and of the three months' pay at the expiration of the service now allowed by law, the sum of one hundred and twenty-four dollars; fifty dollars of which to be paid at the time the recruit is enlisted, fifty dollars when he shall be mustered and have joined some military corps for service, and twenty-four dollars when he shall be discharged from service; and the wife and children, and, if he leave no wife or children, the parents of such non-commissioned officer and soldier, enlisted as hereinbefore stated, who may be killed in action, or die in the service of the United States, shall be allowed and paid the sum of twenty-four dollars; and after the said first day of February next, so much of the fourth section of the act, entitled "An act for the more perfect organization of the army of the United States,"† passed the twentieth day of January, one thousand eight hundred and thirteen, as allows to each able bodied man enlisted into the service of the United States, in the manner therein stated, an advance of twenty-four dollars on account of his pay, shall be, and the same is hereby, repealed.

$50 to be paid at the time of enlistment, etc.

The wife and children, or the parents, if the recruit be killed in action, etc. to be allowed $24.

After the 1st of February, 1814, so much of 4th section of the act mentioned, as allows an advance of $24, etc. repealed.

$8 to be paid to any soldier or citizen who procures an able bodied man to be enlisted, etc.

SEC. 2. *And be it further enacted,* That the sum of eight dollars shall be paid to any non-commissioned officer, soldier, or citizen, who shall, after the first day of February next, furnish and procure to be enlisted, according to law, an able bodied man, to serve for the term of five years, or during the war.

Non-commissioned officers, privates, etc. enlisted under the acts mentioned, may be re-enlisted for five years, or during the war.

SEC. 3. *And be it further enacted,* That every non-commissioned officer, musician, and private, who has been recruited in the regular army of the United States, under the authority of the act of the eighth of April one thousand eight hundred and twelve, entitled "An act in addition to the act, entitled "An act to raise an additional military force, passed January eleventh, one thousand eight hundred and twelve,"‡ may be re-enlisted for the term of five years, or during the war; and that every non-commissioned officer, musician, and private, recruited under authority of the act of the twenty-ninth of

* This act is superseded by that of 3d March, 1815, chapter 100, except so far as would affect the rights vested by the 1st section.

†See chapter 80. ‡See chapter 65.

January, one thousand eight hundred and thirteen, entitled "An act in addition to the act, entitled "An act to raise an additional military force, and for other purposes,"* may be re-enlisted for five years, or during the war.

Soldiers re-enlisted under the preceding section, entitled to the bounty, etc.

SEC. 4. *And be it further enacted*, That the non-commissioned officers, musicians, and privates, re-enlisted under the authority of the preceding section, shall be entitled to the bounty allowed by this act to recruits for five years, or for the war.

[*Approved, January* 27, 1814.]

CHAPTER 91.

An act authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for five years, or during the war.

The President empowered to cause to be enlisted for five years, etc. the fourteen regiments of infantry authorized to be enlisted for one year, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he hereby is, authorized and empowered to cause to be enlisted, for the term of five years, or during the war, the fourteen regiments of infantry which are now by law authorized to be enlisted for the term of one year, or such number of them, or of the troops composing the same, as in his opinion will best promote the public service.

Each man enlisted under this act allowed the same bounty, etc. as men enlisted for five years, etc.

Officers and soldiers to receive the same pay, clothing, etc.

SEC. 2. *And be it further enacted*, That each man enlisted under the authority of this act, shall be allowed the same bounty, in money and land, as is now by law allowed to men enlisted for five years or during the war; and that the officers, non-commissioned officers, musicians, and privates, shall receive the same pay, clothing, subsistence, and forage, to be entitled to the same benefits, be subject to the same rules and regulations, and be placed, in every respect, on the same footing, as the other regular troops of the United States.

[*Approved, January* 28, 1814.]

CHAPTER 92.

An act to raise three regiments of riflemen.†

Not exceeding three regiments of riflemen to be raised for five

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there be immediately raised such number of regiments of

* See chapter 81.

† Superseded by the provisions of the act of 3d March, 1815, chapter 100, fixing the peace establishment.

riflemen, not exceeding three, as, in the opinion of the President, will best promote the military service, to serve for five years, or during the war, unless sooner discharged. years, or during the war.

SEC. 2. *And be it further enacted*, That each regiment shall consist of one colonel, one lieutenant-colonel, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, one surgeon's mate, one sergeant-major, one quartermaster's sergeant; two principal musicians, and ten companies. Organization of each regiment.

SEC. 3. *And be it further enacted*, That, each company shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, and one ensign, five sergeants, four corporals, two musicians, and ninety privates. Organization of each company

SEC. 4. *And be it further enacted*, That each man recruited under the authority of this act, to be allowed the same bounty, in land and money, as is allowed by law to men enlisted for five years, or during the war; and that the officers, non-commissioned officers, musicians, and privates, shall receive the same pay, clothing, subsistence, and forage, be entitled to the same provisions for wounds or disabilities, the same benefits and allowances, and be placed, in every respect, on the same footing, as the other regular troops of the United States. Each man recruited, etc. allowed the same bounty, etc. as men enlisted for five years, etc. Officers and soldiers placed on the same footing as other regular troops.

SEC. 5. *And be it further enacted*, That each company of the regiment of riflemen, authorized to be raised by the act of April twelfth, one thousand eight hundred and eight, shall consist of ninety privates. Each company of riflemen authorized by the act of 12th April, 1808, to consist of 90 privates.

[*Approved, February* 10, 1814.]

CHAPTER 93.

An act for the better organizing, paying, and supplying, the army of the United States.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the first, second, and third, regiments of artillery be formed into one corps, and organized into twelve battalions, as follows, to wit: six lieutenant colonels, six majors, twelve adjutants, twelve quartermasters, and forty-eight companies. The 1st, 2d, and 3d, regiments of artillery to be formed into one corps, and organized into 12 battalions, etc.

SEC. 2. *And be it further enacted*, That each company shall consist of one captain, one first lieutenant, two second lieutenants, one third lieutenant, five sergeants, one quartermaster's sergeant, eight corporals, four musicians, and one hundred privates. Organization of each company.

SEC. 3. *And be it further enacted*, That the President be authorized to assign one of the two second lieutenants hereby The President authorized to as-

* So much of this act as relates to the organization of battalions and companies of the corps of artillery, is recognized by the act of 3d March, 1815, chapter 100, fixing the peace establishment. The residue may be regarded as superseded by the provisions of that act.

sign one of the two second lieutenants as a conductor of artillery; his duty, &c.

provided for each company, as a conductor of artillery for said company, whose duty it shall be to receipt and account for all ammunition, implements, and cannon furnished by the ordnance department for said company, and to do and perform such other services as the war department may direct; and that, for the performance of these services, they be allowed each ten dollars extra pay per month.

$10 per month extra pay to conductors of artillery.

In lieu of the two regiments of light dragoons, one regiment to be organized &c.

SEC. 4. *And be it further enacted*, That, in lieu of the two regiments of light dragoons now in service, there shall be organized one regiment, to consist of one lieutenant-colonel, two majors, one adjutant, one quartermaster, one surgeon, two surgeon's mates, one sergeant-major, one quartermaster-sergeant, one principal musician, one principal farrier, and eight troops.

Organization of each troop of light dragoons.

SEC. 5. *And be it further enacted*, That each troop shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, one cornet, five sergeants, eight corporals, one riding master, one master of the sword, two trumpeters or buglers, one farrier, one blacksmith, one saddler, and ninety-six privates.

Officers of artillery to receive the same pay as provided for the light dragoons, &c.

SEC. 6. *And be it further enacted*, That the officers of the corps of artillery, and the regiment of light artillery, shall, severally, receive the same pay as is now provided by law for the light dragoons in the service of the United States; and the subalterns of all other corps shall be allowed one ration in addition to the pay authorized by existing laws.

Subalterns of all other corps allowed one ration in addition &c.

Soldiers in the corps of sea-fencibles allowed, annually one blanket, one knapsack, &c.

SEC. 7. *And be it further enacted*, That there shall be allowed, annually, to each non-commissioned officer, musician, and private, in the corps of sea-fencibles, one blanket, one knapsack, and one canteen.

The President authorized to prescribe the quantity and kind of clothing to be issued to the troops, &c.

SEC. 8. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to prescribe the quantity and kind of clothing to be issued annually to the troops of the United States.

The officers of the army to be entitled to waiters, agreeably to grade, as specified, &c.

SEC. 9. *And be it further enacted*, That, from and after the first day of June next, the officers of the army shall be entitled to waiters agreeably to grade, as follows: a major general, four waiters; a brigadier general three; a colonel, two; the physician and surgeon-general, two; a lieutenant-colonel, major and hospital surgeon, each, one; the officers of each company, three; every commissioned officer who holds a staff appointment which gives the rank of captain, or any higher grade, one; and to every company officer who commands a separate post or detachment, one; any law or regulation heretofore existing to the contrary notwithstanding.

No officer permitted to employ a soldier from the line as a servant, and servants to be mustered, &c.

SEC. 10. *And be it further enacted*, That no officer shall be permitted to employ as a servant any soldier from the line of the army, and that the servants of officers, not exceeding the number allowed by the preceding section, shall be mustered with some corps of the army, and that, on the muster rolls formed in consequence thereof, payments shall be made in money to the officers employing them in lieu of wages, subsistenee,

and clothing, by the paymasters of the several corps or districts where such servants are mustered, at the rate allowed to privates of infantry, which shall be published to the army annually, by the secretary for the department of war.

The President authorized to appoint assistant apothecaries &c. their pay, &c.

SEC. 11. *And be it further enacted*, That the President of the United States be authorized to appoint so many assistant apothecaries as the service may, in his judgment, require; each of whom shall receive the same pay and emoluments as a regimental surgeon's mate.

Promotions may be made through the whole army, in its several lines, &c,

SEC. 12. *And be it further enacted*, That, from and after the passing of this act, promotions may be made through the whole army in its several lines of light artillery light dragoons, artillery, infantry, and riflemen, respectively; and that the relative rank of officers of the same grade, belonging to regiments or corps already authorized, or which may be engaged to serve for five years, or during the war, be equalized and settled by the war department, agreeably to established rules; and that so much of the act entitled, "An act for the more perfect organization of the army of the United States,"* passed the twenty-sixth of June, one thousand eight hundred and twelve, as comes within the purview and meaning of this act, be, and the same is hereby repealed.

The President authorized in case, &c. to consolidate deficient regiments, and discharge supernumerary officers Proviso; officers discharged to be allowed three months' pay in addition, &c.

SEC. 13. *And be it further enacted*, That for the purpose of avoiding unnecessary expenses in the military establishment, the President of the United States be, and he is hereby, authorized, in case of failure in filling the rank and file of any regiment or regiments, to consolidate such deficient regiment or regiments, and discharge all supernumerary officers: *Provided*, That officers so discharged shall be allowed, in addition to the mileage already authorized by law, three months' pay to each.

Non-commissioned officers and privates of the army, and officers and privates of militia or volunteer corps, &c. captured by the enemy, entitled to pay, &c. during captivity &c. Proviso; nothing herein to entitle militia prisoners to pay, &c. after the date of parole &c.

SEC. 14. *And be it further enacted*, That every non-commissioned officer and private of the army, or officer, non-commissioned officer, and private of any militia or volunteer corps, in the service of the United States, who has been, or who may be, captured by the enemy, shall be entitled to receive, during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance, to which he may be entitled whilst in the actual service of the United States: *Provided*, That nothing herein contained shall be construed to entitle any prisoner of war, of the militia, to the pay and compensation herein provided, after the date of his parole, other than the travelling expenses allowed by law.

The five regiments authorized by the act mentioned to be enlisted for the war may be enlisted for five years, &c.

SEC. 15. *And be it further enacted*, That the five regiments which, by the first section of an act, entitled "An act to amend the act in addition to the act, entitled "An act to raise an additional military force, and for other purposes,"† were authorized to be enlisted, at the discretion of the President of the United States, for and during the war, may be enlisted, at the option of the recruit, for five years, or for and during the war, unless

*See chapter 76, section 5. †See chapter 86, section 1.

sooner discharged, the provisions of the said act to the contrary notwithstanding.

The commissary general of ordnance may employ mechanics, besides blacksmiths and wheelwrights, who are to be mustered, &c.

SEC. 16. *And be it further enacted*, That the commissary-general of ordnance may employ in his department, besides blacksmiths and wheelwrights other mechanics, such as the public service may require, who shall, together with the said blacksmiths and wheelwrights, be mustered under the general denomination of artificers; and such artificers, being hereafter, or having been heretofore, enlisted to serve for the term of five years, or during the war, shall be entitled to the same annual allowance of clothing as is or may be provided for the soldiers of the army.

Artificers enlisted to serve five years, &c. entitled to the same allowance of clothing as soldiers of the army.

SEC. 17. *And be it further enacted*, That, the laborers who may be hereafter enlisted to serve in the ordnance department, for the term of five years, or during the war, shall be entitled to a bounty of twenty-five dollars in money, and the same annual allowance of clothing as is or may be provided for the soldiers of the army.

Laborers enlisted to serve in the ordnance department, for five years, &c. to be entitled to a bounty of $25 in money, &c.

SEC. 18. *And be it further enacted*, That the physician and surgeon-general of the army be entitled to two rations per day and forage for two horses; and that, in addition to their pay, as at present established by law, the regimental surgeons and regimental surgeon's mates be entitled to fifteen dollars per month, each.

Physician and surgeon general entitled to two rations, &c.

$15 per month additional pay for regimental surgeons, &c.

Aids-de-camp of major generals, &c.

SEC. 19. *And be it further enacted*, That the aids-de-camp of major-generals shall be taken from the captains and subalterns of the line; and the aids-de-camp of brigadier-generals from the subalterns of the line; and that it shall not be lawful to take more than one aid-de-camp from a regiment.

Aids-de-camp of brigadier generals, &c.

SEC. 20. *And be it further enacted*, That in no case shall the district paymasters or quartermasters of any grade be taken from the line of the army.

Officers of the volunteer corps authorized by the act referred to, entitled the promotion in the line of the army, &c.

SEC. 21. *And be it further enacted*, That the officers of the volunteer corps, authorized by the act of the twenty-fourth day of February, one thousand eight hundred and fourteen, be entitled to promotion in the line of the army; and that the President of the United States, with the advice and consent of the Senate, be authorized to make all necessary appointments, and to fill all vacancies, which may happen in the same.

[*Approved*, *March* 30, 1814.]

CHAPTER 94.

An act authorizing an augmentation of the Marine Corps, and for other purposes.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby, authorized to cause the marine corps, in the service of the United States, to be augmented by the appointment and enlistment of not exceeding one major, fourteen captains, twelve first lieutenants, twenty second lieutenants, sixty-one sergeants, forty-two drums and fifes, and six hundred and ninety-six privates, who shall be respectively allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations, to which the said marine corps are or shall be entitled and subject.

The President to cause the marine corps to be augmented, by the appointment and enlistment of the officers and men specified.

SEC. 2. *And be it further enacted,* That the adjutant, paymaster, and quartermaster, of the marine corps, may be taken either from the line of captains or subalterns, and the said officers shall, respectively, receive thirty dollars per month, in addition to their pay in the line, in full of all emoluments.

The adjutant pay and quarter-masters may be taken from the line of captains or subalterns, and to receive additional pay.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to confer brevet rank on such officers of the marine corps as shall distinguish themselves by gallant actions or meritorious conduct, or who shall have served ten years in any one grade :† *Provided,* That nothing herein contained shall be so construed as to entitle officers so brevetted to any additional pay or emoluments, except when commanding separate stations or detachments, when they shall be entitled to and receive the same pay and emoluments which officers of the same grades are now, or hereafter may be, allowed by law.

The President authorized to confer brevet rank on officers of the marine corps, etc. Proviso; nothing herein to entitle officers brevetted to additional pay, etc. except when commanding separate stations or detachments etc.

SEC. 4. *And be it further enacted,* That it shall be lawful for the President of the United States, in the recess of the Senate to appoint any of the officers authorized by this act: which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

The President may appoint the officers in the recess etc.

SEC. 5. *And be it further enacted,* That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint all or any of the officers of the navy authorized by existing laws; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

The President may, in the recess, etc, appoint any officers of the navy authorized by law etc.

[*Approved, April* 16, 1814.]

*See chapter 112.
†See chapter 116 and 165.

CHAPTER 95.

An act fixing the salary of the paymaster of the army of the United States, and allowing a sum for the employment of additional clerks in his office, for the year one thousand eight hundred and fourteen, and providing for the appointment of assistant district paymasters.*

The paymaster of the army to receive an annual salary of $2000 &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, in lieu of the monthly compensation now allowed by law to the paymaster of the army of the United States, he shall receive an annual salary of two thousand dollars, to be paid, quarter yearly, at the treasury of the United States, and to commence on the first day of January last; and that, in addition to the amount already allowed by law for clerk hire, in the office of the paymaster of the army of the United States, there shall be allowed the further sum of five thousand five hundred and forty-seven dollars, for the purpose of employing additional clerks in, and for contingent expenses of, his office, for the present year, to be paid out of any money in the treasury, not otherwise appropriated.

A further sum allowed for clerks, and for contingent expenses, in the paymaster's office, &c.

The President and Senate authorized to appoint not exceeding 30 assistant district paymasters, &c.

Proviso; the President may appoint any officer authorized, during the recess, &c.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint so many assistant district paymasters, not exceeding thirty, as the public service may, in his opinion, require: *Provided*, That the President of the United States shall have power to appoint any officer authorized by this act during the recess of the Senate, to be submitted to them, for their advice and consent, at their next session.

The paymaster of the army, &c. to make all disbursements of money, &c. to the district paymaster, &c.

SEC. 3. *And be it further enacted*, That it shall be the duty of the paymaster of the army, under the direction of the war department, to make all disbursements of money within that department to the district paymasters, and to adjust, state, and exhibit, their several accounts, according to such forms, and within such periods, as shall be prescribed for that purpose by the treasury department.

District paymasters to examine and transmit to the paymaster of the army, the accounts and vouchers for all disbursements, etc. as soon as the first payment has been made, with estimates etc.

SEC. 4. *And be it further enacted*, That, to secure the regular and punctual payment of the troops, the district paymasters shall examine and transmit to the paymaster of the army the accounts and vouchers for all disbursements which have been made by them to the troops of the army or district where they shall be stationed, as soon as the first payment shall have been made, and accompany the same with an estimate for the next payment; which accounts and estimates shall be regularly transmitted, that settlements may be made and competent funds remitted: *Provided, also*, That the said district and assistant paymasters shall make payments to the militia in the service of the United States, when required by the secretary of war or the paymaster of the army.

Proviso; district and assistant paymasters to make payments to the militia, when required, &c.

*Expired by the operation of the 7th section.

SEC. 5. *And be it further enacted*, That the assistant district paymaster shall receive the pay and emoluments of a captain of infantry, and forage for one horse. Assistant district paymasters to receive the pay, &c. of a captain of infantry, &c.

SEC. 6. *And be it further enacted*, That the district and assistant district paymasters shall severally give bonds, with good and sufficient security, to the United States, for the faithful performance of their duties, in such sums as shall be required by the paymaster of the army, under the direction of the war department, and shall be subject to the rules and articles of war. District and assistant district paymasters to give bonds, &c. and to be subject to the rules and articles of war.

SEC. 7. *And be it further enacted*, That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and for one year thereafter, and no longer. Limitation of this act.

[*Approved*, *April* 18, 1814.]

CHAPTER 96.

An act to provide for the collection and preservation of such flags, standards, and colors, as shall have been, or may hereafter be, taken by the land and naval forces of the United States, from their enemies.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the secretaries of the war and navy departments be, and they are hereby, directed to cause to be collected and transmitted to them, at the seat of the government of the United States, all such flags, standards, and colors, as shall have been, or may hereafter be, taken by the army and navy of the United States, from their enemies. The secretaries of war and navy directed to cause to be collected and transmitted to them at the seat of government, all flags, &c. taken from enemies.

SEC. 2. *And be it further enacted*, That all the flags, standards, and colors, of the description aforesaid, which are now in the possession of the departments aforesaid, and such as may be hereafter transmitted to them, be, with all convenient despatch, delivered to the President of the United States, for the purpose of being, under his direction, preserved and displayed in such public place as he shall deem proper. Flags, &c. taken from enemies to be delivered to the President, for the purpose of being preserved and displayed, &c.

SEC. 3. *And be it further enacted*, That the sum of five hundred dollars be, and the same is hereby appropriated, for the above purposes, out of any moneys in the treasury, not otherwise appropriated. $500 appropriated for the purposes of this act.

[*Approved*, *April* 18, 1814.]

CHAPTER 97.

An act making further provisions for filling the ranks of the army of the United States.*

Recruiting officers may enlist free, effective, able bodied men, from 18 to 50, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passing of this act, each and every commissioned officer who shall be employed in the recruiting service, shall be, and he hereby is, authorized to enlist into the army of the United States, any free, effective, able bodied man, between the ages of eighteen and fifty years; which enlistment shall be absolute and binding upon all persons under the age of twenty-one years, as well as upon persons of full age, such recruiting officer having complied with all the requisitions of the laws regulating the recruiting service.

The enlistment binding on persons under 21 years, &c.

Neither bounty nor clothing to enlisted minors, nor restraint of liberty, until after 4 days, &c. Minors may reconsider and withdraw enlistment during four days, &c.

SEC. 2. *And be it further enacted*, That it shall not be lawful for any recruiting officer to pay or deliver to a recruit under the age of twenty-one years, to be enlisted by virtue of this act, any bounty or clothing, or in any manner restrain him of his liberty, until after the expiration of four days from the time of his enlistment; and it shall be lawful for the said recruit, at any time during the said four days, to reconsider and withdraw his enlistment, and thereupon he shall forthwith be discharged and exonerated from the same.

So much of the 5th section of the act mentioned, as requires the consent of the parents, repealed.

SEC. 3. *And be it further enacted*, That so much of the fifth section of the act, passed the twentieth day of January, one thousand eight hundred and thirteen, entitled "An act supplementary to the act, entitled 'An act for the more perfect organization of the army of the United States,'"† as requires the consent, in writing, of the parent, guardian, or master, to authorize the enlistment of persons under the age of twenty-one years, shall be, and the same is hereby, repealed: *Provided, however*, That, in case of the enlistment of any person held to service as an apprentice, under the provisions of this act, whenever such person, at the time of his enlistment, shall be held by his indenture to serve for any term between two and three years, his master shall be entitled to receive one half of the money bounty; if held, in like manner, to serve between one and two years, the master shall be entitled to receive one third of the money bounty as aforesaid; and if held, in like manner, to serve one year or less, the master shall be entitled to receive one fourth of the money bounty as aforesaid.

Proviso; in case of enlistment of an apprentice, the master is entitled to a portion of the money bounty.

Each non-commissioned officer and soldier hereafter enlisted, to be entitled to 320 acres of land, in lieu, &c.

SEC. 4. *And be it further enacted*, That, in lieu of the bounty of one hundred and sixty acres of land, now allowed by law, there shall be allowed to each non-commissioned officer and soldier, hereafter enlisted, when discharged from service, who shall have obtained from the commanding officer of his

* Superceded by act of 3d March, 1815, fixing the peace establishment—See chapter 100.

† See chapter 80, section 5.

company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, three hundred and twenty acres of land, to be surveyed, laid off, and granted, under the same regulations, and, in every respect, in the manner now prescribed by law: and the widow and children, and if there be no widow nor child, the parents of every non-commissioned officer and soldier, enlisted according to law, who may be killed or die in the service of the United States, shall be entitled to receive the three hundred and twenty acres of land as aforesaid; but the same shall not pass to collateral relations, any law heretofore passed to the contrary notwithstanding.

The widow and children, or parents, of those who are killed or die in the service, entitled to the lands, but, &c.

Sec. 5. *And be it further enacted*, That any person subject to militia duty, who shall, according to law, furnish a recruit for the army of the United States, at his own expense, to serve during the war, shall thereafter be exempt from militia duty during the war; and every recruit, thus furnished, shall be delivered to some recruiting officer of the United States, who shall immediately grant his receipt for such recruit, to the person furnishing him, and shall forthwith report the same to the department of war, and shall specify in the report the name of such person, and his place of residence, as well as the name and description of the recruit; whereupon it shall be the duty of the secretary for the department of war to grant to the person furnishing such recruit a certificate of exemption from militia duty during the war, upon calls made upon the authority of the United States, which certificate shall be good and available to all intents and purposes for that object. And every recruit thus furnished shall be entitled to the bounty in land, in the same manner, and upon the same conditions, as the other recruits in the army of the United States.

Persons subject to militia duty, furnishing a recruit to serve for the war, exempted, &c.

Each recruit furnished &c. to be delivered to a recruiting officer, who is to grant a receipt, and report to the department of war, &c.

Recruits furnished, &c. entitled to the bounty in land, &c.

[*Approved, December* 10, 1814.]

CHAPTER 98.

An act directing the staff officers of the army to comply with the requisitions of naval and marine officers, in certain cases.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be the duty of the several officers of the staff of the army of the United States, to provide the officers, seamen, and marines, of the navy of the United States, when acting, or proceeding to act, on shore, in co-operation with the land troops, upon the requisition of the commanding naval or marine officer of any such detachment of seamen or marines, under orders to act as aforesaid, with rations, also the officers and seamen with camp equipage, according to the relative rank and station of each, and the military regulations in like cases, together

Officers of the staff of the army to provide officers, seamen, and marines, of the navy, when acting on shore with land troops, upon requisition, &c. with rations and camp equipage, &c.

Proviso; the contract price of the rations to be reimbursed, &c.

with the necessary transportation, as well for the men as for their baggage, provisions, and cannon: *Provided, nevertheless*, That the contract price of the rations which may be furnished shall be reimbursed out of the appropriations for the support of the navy.

Quartermasters of the army to furnish commanding naval officers, with horses, forage, &c.

SEC. 2. *And be it further enacted*, That the respective quartermasters of the army shall, upon the requisition of the commanding naval officer of any such detachment of seamen or marines, furnish the said officer and his necessary aids with horses, accoutrements, and forage, during the time they may be employed in co-operating with the land troops as aforesaid.

[*Approved, December* 15, 1814.]

CHAPTER 99.

An act for the better regulation of the ordnance department.*

The ordnance department to consist of one colonel, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the passage of this act, the ordnance department shall consist of one colonel, one lieutenant-colonel, two majors, ten captains, ten first lieutenants, ten second lieutenants, and ten third lieutenants.

The colonel, &c. to enlist for five years, master armorers, master carriage-makers, &c.

SEC. 2. *And be it further enacted*, That the colonel or senior officer of the ordnance department, is authorized to enlist, for the service of that department, for five years, as many master armorers, master carriage-makers, master blacksmiths, artificers, armorers, carriage-makers, blacksmiths, and laborers, as the public service, in his judgment, under the directions of the secretary for the department of war, may require.

Duties of the colonel of the ordnance department, &c.

SEC. 3. *And be it further enacted*, That it shall be the duty of the colonel of the ordnance department to direct the inspection and proving of all pieces of ordnance, cannon-balls, shot, shells, small arms, and side arms, and equipments, procured for the use of the armies of the United States; and to direct the construction of all cannon and carriages, and every implement and apparatus for ordnance, and all ammunition wagons, travelling forges, and artificer's wagons, the inspection and proving of powder, and the preparation of all kinds of ammunition and ordnance stores. And it shall also be the duty of the colonel, or senior officer of the ordnance department, to furnish estimates, and, under the direction of the secretary for the department of war, to make contracts, and purchases for procuring

* This act, so far as it relates to *organization*, is superseded by that of 2d March, 1821, which abolished the ordnance department, and incorporated it with the artillery.—See chapter 128, section 4.—See also chapter 150, reorganizing the ordnance department.

the necessary supplies of arms, equipments, ordnance, and ordnance stores.

The colonel to organize and attach artificers, &c. to regiments, garrisons, &c.

SEC. 4. *And be it further enacted*, That the colonel of the ordnance department shall organize and attach to regiments, corps, or garrisons, such number of artificers, with proper tools, carriages, and apparatus, under such regulations and restrictions relative to their government and number, as, in his judgment, with the approbation of the secretary for the department of war, may be considered necessary.

The colonel of ordnance to execute all orders of the secretary of war, &c.

SEC. 5. *And be it further enacted*, That the colonel of the ordnance department, or senior officer of that department of any district, shall execute all orders of the secretary for the department of war, and, in time of war, the orders of any general, or field officer, commanding any army, garrison, or detachment, for the supply of all arms, ordnance, ammunition, carriages, forges, and apparatus, for garrison, field, or siege service.

Keepers of magazines, &c. to make returns quarterly, or oftener, &c.

SEC. 6. *And be it further enacted*, That the keepers of all magazines and arsenals shall, quarterly, or oftener, if so directed, and in such manner as directed by the colonel of the ordnance department, make correct returns to the colonel, or senior officer, of the ordnance department, of all ordnance, arms, and ordnance stores, they may have in charge.

Costs of repairs of arms, &c. to be charged to officers and soldiers in whose hands they were, &c. provided, &c.

SEC. 7. *And be it further enacted*, That the costs of repairs of damages done to arms, equipments, or implements, in the use of the armies of the United States, shall be deducted from the pay of any officer or soldier in whose care or use the said arms, equipments, or implements, were, when the said damages occurred: *Provided*, The said damages were occasioned by the abuse or negligence of the said officer or soldier.

Officers commanding regiments, to make report of damages done to arms, &c.

And it is hereby made the duty of every officer commanding regiments, corps, garrisons, or detachments, to make, once every two months, or oftener if so directed, a written report to the colonel of the ordnance department, stating all damages to arms, equipments, or implements, belonging to his command, noting those occasioned by negligence or abuse, and naming the officer or soldier, by whose negligence or abuse the said damages were occasioned.

The colonel of the ordnance department to make half yearly report to the war department, &c.

SEC. 8. *And be it further enacted*, That the colonel of the ordnance department shall make, half yearly, to the war department, or oftener, if the secretary for that department shall so direct, a correct report of the officers, and all artificers, and laborers, in his department: also, of all ordnance, arms, military stores, implements, and apparatus, of every description, and in such form as the secretary for the department of war shall direct.

Public armories placed under direction of the ordnance department, and the colonel may establish depots, &c.

SEC. 9. *And be it further enacted*, That to insure system and uniformity in the different public armories, they are hereby placed under the direction of the ordnance department. And the colonel of the ordnance department, under the direction of the secretary for the department of war, is hereby authorized to establish depots of arms, ammunition, and ordnance stores,

in such parts of the United States, and in such numbers, as may be deemed necessary.

The colonel to draw up a system of regulations for the ordnance department, etc.

Sec. 10. *And be it further enacted*, That the colonel of the ordnance department, under the direction of the secretary for the department of war, is hereby authorized to draw up a system of regulations for the government of the ordnance department, forms of returns and reports, and for the uniformity of manufactures of all arms, ordnance, ordnance stores, implements, and apparatus, and for the repairing and better preservation of the same.

The pay, etc. for officers of the ordnance department, the same as those in the artillery, etc.

Sec. 11. *And be it further enacted*, That the pay, emoluments, and allowances, for the officers of the ordnance department, shall be the same as the pay, emoluments, and allowances, now allowed to officers of similar grades, respectively, in the artillery of the United States. And that the pay of a master armorer shall be thirty dollars per month, and one and a half rations per day; of a master carriage-maker, thirty dollars per month, and one and a half rations per day; of a master blacksmith, thirty dollars per month, and one and a half rations per day. The pay of armorers, carriage-makers, or blacksmiths, each, sixteen dollars per month, and one and a half rations per day; the pay of artificers, thirteen dollars per month, one ration per day; and the pay of laborers, nine dollars per month, and one ration per day; and to all of the said workmen, artificers, and laborers, the same clothing, and other allowances, as are allowed to privates of infantry in the army of the United States, except clothing to the master workmen.

Pay of master armorer, carriage maker, blacksmith and others.

Clothing, etc.

The President authorized to continue officers of the ordnance department in service, or, etc.

Sec. 12. *And be it further enacted*, That the President of the United States is hereby authorized to continue in the service, under this act, all the officers of the ordnance department in service on the passage of the same, or to transfer them to other corps of the army of the United States.

$1,000 per year, for clerks, etc.

Sec. 13. *And be it further enacted*, That the colonel of the ordnance department, is hereby allowed, at the rate of one thousand dollars per year, for clerks, and such books and stationary as may be necessary to his department.

The act of the 14th May, 1812, etc. repealed.

Sec. 14. *And be it further enacted*, That the act passed May the fourteenth, one thousand eight hundred and twelve, entitled "An act for the better regulation of the ordnance department," and the sections of any other acts, coming within the purview of any of the sections of this act, be, and the same are hereby, repealed.

[*Approved, February* 8, 1815.]

CHAPTER 100.

An act fixing the military peace establishment of the United States.*

The military peace establishment to consist of not exceeding 10,000 men, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the military peace establishment of the United States shall consist of such proportions of artillery, infantry, and riflemen, not exceeding, in the whole, ten thousand men, as the President of the United States shall judge proper, and that the corps of engineers, as at present established, be retained.

The corps of engineers to be retained.

Organization of the several arms.

SEC. 2. *And be it further enacted,* That the corps of artillery shall have the same organization as is prescribed by the act passed the thirtieth of March, one thousand eight hundred and fourteen ;† and the regiment of light artillery the same organization as is prescribed by the act passed the twelfth day of April, one thousand eight hundred and eight ;‡ and that each regiment of infantry and riflemen shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one paymaster, one surgeon, and two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies ; each company to consist of one captain, one first lieutenant, and one second lieutenant, four sergeants, four corporals, two musicians, and sixty-eight privates.

Two major generals and four brigadiers, etc.

SEC. 3. *And be it further enacted,* That there shall be two major-generals, and four brigadier-generals ; the major-generals to be entitled to two aids-de-camp, and the brigadier-generals to one aid-de-camp, each, to be taken from the subalterns of the line ; four brigade-inspectors, and four brigade-quartermasters, and such number of hospital surgeons and surgeon's mates, as the service may require, not exceeding five surgeons and fifteen mates, with one steward and one wardmaster to each hospital. The brigade-inspectors, appointed under this act, shall be taken from the line, and the brigade-quartermasters, the adjutants, regimental quartermasters, and paymasters, from the subalterns of the line.

Brigade inspectors from the line, brigade quartermasters, etc. from the subalterns, etc.

Compensation, subsistence, clothing, etc.

SEC. 4. *And be it further enacted,* That the compensation, subsistence, and clothing, of the officers, cadets, non-commissioned officers,§ musicians, artificers, and privates,‖ composing the military peace establishment, shall be the same as are prescribed by the act, entitled, "An act fixing the military peace establishment of the United States,"¶ passed 16th March, one thousand eight hundred and two, and the act, entitled "An act to raise, for a limited time, an additional military force,"** passed twelfth of April, one thousand eight hundred and eight ; and that the major-generals shall be entitled to the same compensa-

*This act, and such intervening acts as relate to organization, (as chapters 103, 115, and 117,) are superseded by the provisions of the act of 2d March 1821, chapter 128.

†Chapter 93. ‡Chapter 57.
‖Chapter 159 §Chapter 140.
¶See chapter 49. **See chapter 57.

tion as is provided by an act, entitled, "An act to raise an additional military force,"* passed eleventh January, one thousand eight hundred and twelve.

The President to cause the officers and soldiers now in service, etc. to be arranged, and supernumeraries to be discharged, etc.

SEC. 5. *And be it further enacted*, That the President of the United States cause to be arranged, the officers, non-commissioned officers, musicians, and privates, of the several corps of troops now in the service of the United States, in such a manner as to form and complete out of the same the corps authorized by this act, and cause the supernumerary officers, non-commissioned officers, musicians, and privates, to be discharged from the service of the United States, from and after the first day of May next, or as soon as circumstances may permit.

Three months' pay additional to each commissioned officer deranged, etc.

SEC. 6. *And be it futher enacted*, That to each commissioned officer, who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law at the time of his discharge, three months' pay.

The several corps to be subject to the rules and articles of war; and the officers and soldiers to be entitled to the same provision for wounds, etc. benefits, allowances, etc. as authorized by the act mentioned.

SEC. 7. *And be it further enacted*, That the several corps authorized by this act, shall be subject to the rules and articles of war, be recruited in the same manner, and with the same limitations; and that officers, non-commissioned officers, musicians, and privates, shall be entitled to the same provision for wounds and disabilities, the same provision for widows and children, and the same benefits and allowances in every respect, not inconsistent with the provisions of this act, as are authorized by the act of sixteenth March, one thousand eight hundred and two, entitled "An act fixing the military peace establishment of the United States,"† and the act of the twelfth April, one thousand eight hundred and eight, entitled "An act to raise, for a limited time, and additional military force :"‡ and that the bounty to the recruit, and compensation to the recruiting officer, shall be the same as are allowed by the aforesaid act of the twelfth of April, one thousand eight hundred and eight.§

[*Approved March* 3, 1815.]

CHAPTER 101.

An act making further provision for military services during the late war and for other purposes.

Widows and children of officers and soldiers, who died in service during the war of 1812, or of

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, when any officer or private soldier of the militia, including rangers, sea fencibles, and volunteers, or any non-com-

*See chapter 65. †See chapter 49. ‡See chapter 57.
§Term of enlistment altered, and bounty to recruits, and premium to officers, discontinued by chapter 159.

missioned officer, musician, or private, enlisted for either of the terms of one year or eighteen months, or any commissioned officer of the regular army, shall have died while in the service of the United States, during the late war, or in returning to his place of residence, after being mustered out of service, or who shall have died at any time thereafter, in consequence of wounds received whilst in the service, and shall have left a widow, or if no widow, a child or children, under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; and, in case of death or intermarriage of such widow before the expiration of said five years, the half pay for the remainder of the time shall go to the child or children of the said decedent: *Provided always*, That the secretary of war shall adopt such forms of evidence in applications under this act as the President of the United States may prescribe: *Provided also*, That the officers and private soldiers of the militia, as aforesaid, who have been disabled by wounds or otherwise, while in the service of the United States, in the discharge of their duty during the late war, shall be placed on the list of pensioners in the same manner as the officers and soldiers of the regular army, under such forms of evidence as the President of the United States may prescribe: *Provided also*, That the provisions of this act shall not extend to any person embraced in the provisions of an act, entitled "An act to provide for the widows and orphans of militia slain, and for militia disabled, in the service of the United States," passed the second day of August, one thousand eight hundred and thirteen.

wounds received while in service, to receive half pay for five years.

If the widow dies or marries, the half pay goes to the children.

Proviso; as to forms of evidence.

Proviso; officers and privates of militia disabled by wounds, etc. to be placed on the pension list like regulars.

Proviso; the provisions of this act not to extend to persons embraced by the act of 2d August, 1813.

SEC. 2. *And be it further enacted*, That when any non-commissioned officer, musician, or private soldier, of the regular army of the United States, shall have been killed in battle, or have died of wounds or disease, while in the service of the United States, during the late war, and have left a child or children under sixteen years of age, it shall be lawful for the guardian of such child or children, within one year from the passing of this act,* to relinquish the bounty land to which such non-commissioned officer, musician, or private soldier, had he survived the war, would have been entitled; and in lieu thereof, to receive half the monthly pay to which such deceased person was entitled at the time of his death, for and during the term of five years, to be computed from and after the seventeenth day of February, one thousand eight hundred and fifteen; the payment thereof to be made when and where other military pensions are or shall be paid; and where a warrant for the military bounty land aforesaid shall have been issued, to or for the use of the child or children of any such deceased non-commissioned officer, musician, or private soldier, such child

The guardians of non-commissioned officers & soldiers, who have been killed in battle, or died of wounds, etc. may, within a year, relinquish the bounty land, and receive the half monthly pay for five years.

Where a warrant has issued, the guardian may surrender it.

* Time extended by subsequent acts—See chapter 111, section 3, and chapter 123.

or children, or either of them, being under sixteen years of age, it shall be lawful for the guardian of such minor or minors, to surrender and deliver such warrant into the office for the department of war, within one year from the passing of this act; of which surrender and delivery, the secretary of that department shall give notice to the secretary of the treasury, who shall thereupon give the requisite orders for the payment of the half pay hereby provided for.

Notice of surrender to the secretary of the treasury, who is to give orders for the half pay.

Soldiers who enlisted to serve for five years or during the war, above 45 or under 18, having faithfully served and been regularly discharged, or been promoted, etc. entitled to land bounty according to term of enlistment.

SEC. 3. *And be it further enacted*, That all soldiers who have been enlisted to serve for five years or during the war, and were above the age of forty-five, or under the age of eighteen years, who have faithfully served during the late war, and have been regularly discharged, and the representatives of such soldiers as shall have died whilst in the service of the United States, and all soldiers who have been enlisted, and have faithfully served during the late war, until they have been promoted to the rank of commissioned officers, who, if they had served during the war under their enlistment, and been regularly discharged, would have been entitled to a bounty in land, shall be entitled to one hundred and sixty or three hundred and twenty acres of land, according to the term of enlistment; the warrants and patents to issue in the same manner as in the case of soldiers enlisted of proper age, and discharged under similar circumstances.

Warrants and patents to issue, etc.

The President to cause 2,000,000 of acres additional, to be surveyed and laid off for the purposes of this act.

SEC. 4. *And be it further enacted*, That, for the purpose of carrying the provisions of this act into effect, and other acts giving bounty lands to soldiers of the regular army, the President of the United States is hereby authorized to cause to be surveyed and laid off in one or more surveys, two millions of acres, not otherwise appropriated, in addition to the appropriations of lands by the act of May the sixth, one thousand eight hundred and twelve, for designating, surveying, and granting, military bounty lands according to the provisions of said act.*

No transfer of bounty land valid until after the issue and delivery of the patents to the persons entitled.

SEC. 5. *And be it further enacted*, That no transfer of land, granted in virtue of this or any other law, giving bounties of land to the non-commissioned officers, musicians, and privates, enlisted during the late war, shall be valid, unless the contract or agreement therefor, or letter of attorney, giving power to sell or convey, shall have been executed after the patents shall be issued and delivered to the persons entitled thereto.

[*Approved*, *April* 16, 1816.]

* See chapter 72.

CHAPTER 102.

An act to increase the pensions of invalids in certain cases; for the relief of invalids of the militia; and for the appointment of pension agents in those states where there is no commissioner of loans.

Persons of the ranks named, now on the pension roll, are to receive, for the highest degree of disabilities, the sums mentioned, in lieu, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all persons of the ranks hereinafter named, who are now on the military pension roll of the United States, shall, from and after the passage of this act, be entitled to, and receive, for disabilities of the highest degree, the following sums, in lieu of those to which they are now entitled, to wit: a first lieutenant, seventeen dollars; a second lieutenant, fifteen dollars; a third lieutenant, fourteen dollars; an ensign, thirteen dollars; and a non-commissioned officer, musician, or private, eight dollars, per month: and for disabilities of a degree less than the highest, a sum proportionably less.

For less disabilities, proportionably less.

Persons hereafter placed on the military pension roll, to be put on at the rates specified in this act.

Proviso; nothing herein to lessen a higher pension by special provision.

SEC. 2. *And be it further enacted,* That all persons of the aforesaid ranks, who may hereafter be placed on the military pension roll of the United States, shall, according to their ranks and degrees of disabilities, be placed on at the aforesaid rates of pensions, in lieu of those heretofore established: *Provided,* That nothing herein contained shall be construed to lessen the pension of any person who, by special provision, is entitled to a higher pension than is herein provided.

Officers and soldiers of the militia, whilst in service, to be placed on the pension roll like those of the regular army.

SEC. 3. *And be it further enacted,* That all laws and regulations, relating to the admission of the officers and soldiers of the regular army to be placed on the pension roll of the United States, shall, and they are hereby declared to, relate equally to the officers and soldiers of the militia, whilst in the service of the United States.

The secretary of war required to appoint proper persons in the states and territories, where there is no commissioner of loans, to perform the duties relating to pensions and pensioners.

SEC. 4. *And be it further enacted,* That the secretary for the department of war be, and he is hereby, authorized and required to appoint some fit and proper person in those states and territories where there is no commissioner of loans, and also in the district of Maine, to perform the duties in those states and territories, and in said district, respectively, relating to pensions and pensioners, which are now required of said commissioners in their respective states. [*Approved, April* 24, 1816.]

CHAPTER 103.

An act for organizing the general staff, and making further provision for the army of the United States.*

Provisions of the act of 3d March, 1813, with re-

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,*

* The organization here given to the staff, is materially modified by act of 14th April, 1818, chapter 115, which, with so much of this act as refers to organization, may be considered superseded by that of 2d March, 1821, chapter 128.

spect to the general staff, so far established, etc.

That, in addition to the act providing for a military peace establishment,* the provisions of the act of March third, one thousand eight hundred and thirteen,† for the better organization of the general staff, be, and the same are hereby, so far established, that the general staff shall, in future, consist of one adjutant and inspector-general of the army, and one adjutant general, one inspector-general, three topographical engineers, and one quartermaster-general, with one deputy quartermaster-general to a division; and an assistant of each to every brigade, which shall supersede the brigade-quartermasters and inspectors now existing; and that the apothecary-general, as heretofore authorized, be allowed two assistant apothecaries.

Medical staff extended.

SEC. 2. *And be it further enacted*, That the medical staff shall be so extended, that there shall be four hospital surgeons, and eight hospital surgeon's mates, to each division, with as many post surgeons as the service may require, not exceeding twelve to each division; who shall receive the same pay and emoluments as hospital surgeon's mates; and that there be three judge advocates to each division, and one chaplain to each brigade of the army, who shall receive the pay and emoluments of major, as heretofore allowed.

Three judge advocates to a division, and a chaplain to each brigade.

Pay department to consist of a paymaster-general, with a salary of $2,500 per annum.

SEC. 3. *And be it further enacted*, That the pay department shall consist of one paymaster-general of the army, with the annual salary of two thousand five hundred dollars; and that, in addition to regimental paymasters, there be appointed one paymaster to each battalion of the corps of artillery, who, as well as the regimental paymasters, in addition to the regular and punctual payment of their respective regiments or corps, shall discharge the duties of district paymasters, within such district as shall, from time to time, be assigned them by the paymaster-general, under the direction of the secretary of war: *Provided*, That regimental and battalion paymasters may be taken either from the subalterns of the army or citizens, and appointed by the President of the United States: *Provided, also*, That regimental and battalion paymasters shall receive the pay and emoluments of major, and shall each be allowed a capable non-commissioned officer as clerk, who, while so employed, shall receive double pay, and the actual expense of transportation while travelling under orders in the discharge of his duty.

Battalion paymasters to the corps of artillery.

Proviso; the President to appoint the paymasters from subalterns of the army or citizens.

Proviso; paymasters to receive the pay and emoluments of a major, and allowed a non-commissioned officer as a clerk, etc.

Paymasters to pay all the regular troops.

SEC. 4. *And be it further enacted*, That it shall be the duty of the regimental and battalion paymasters to pay all the regular troops; and, to insure punctuality and responsibility, correct reports shall be made to the paymaster-general once in two months, showing the disposition of the funds previously transmitted, with accurate estimates for the next payment of such regiment, garrison, or department, as may have been assigned to each; and whenever any paymaster shall fail to transmit such estimate, or neglect to render his vouchers to

Correct reports to the paymaster-general, one in two months etc.

Paymasters failing to transmit estimates, or neglecting to

* See chapter 100. † See chapter 84.

the paymaster-general for settlement of his accounts, more than six months after receiving funds, he shall be recalled, and another appointed in his place.*

render vouchers for six months after receiving funds, are to be recalled, etc.

Sec. 5. *And be it further enacted*, That the purchasing department shall consist of one commissary-general of purchases, as heretofore authorized, with the annual salary of three thousand dollars, and one deputy commissary to each division, with the annual salary of two thousand dollars, and six assistant commissaries of issues, with the annual salary of one thousand three hundred dollars; and as many military storekeepers as the service may require, whose salaries shall be regulated by the secretary of war, according to the duty they may perform: *Provided*, That the pay and emoluments shall not exceed that of a captain of infantry.

Purchasing department to consist of a commissary-general; a deputy commissary to each division; six assistant commissaries of issues; and military storekeepers.

Sec. 6. *And be it further enacted*, That all officers of the pay, commissary, and qartermaster's department, shall, previous to their entering on the duties of their respective offices, give good and sufficient bonds to the United States, fully to account for all moneys and public property which they may receive, in such sums as the secretary of war shall direct. And all paymasters, commissaries, and storekeepers, shall be subject to the rules and articles of war, in the same manner as commissioned officers: *Provided also*, That all officers of the pay and commissary's departments be submitted to the Senate for their confirmation, in the same manner as the officers of the army.

Officers of the pay, commisary, and quartermaster's departments, to give bonds.

Paymasters, commissaries, and storekeepers, subject to the rules and articles of war.

Proviso; officers of the pay and commissary'a departments, to be submitted to the Senate.

Sec. 7. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to prescribe the quantity and kind of clothing, to be issued annually to the troops of the United States: *Provided*, That whenever more than the authorized quantity is required, the value of the extra articles shall be deducted from the soldiers' pay; and, in like manner, the soldiers shall receive pay according to the annual estimated value for such authorized articles of uniform as shall not have been issued to him in each year: *Provided also*, That the manner of issuing and accounting for clothing, shall be established in the general regulations of the war department.

The President to prescribe the quantity and kind of clothing.

Proviso; when more than the authorized quantity of clothing is required, the value is to be deducted from the solders' pay, etc.

Proviso: the manner of issuing clothing, etc. to be established in general regulations.

Sec. 8. *And be it further enacted*, That in all cases where a soldier of the regular army shall have been discharged from the service of the United States, and clothing shall be due to said soldier, it shall be the duty of the paymaster-general to cause the same to be paid for, according to the price paid in the seventh section of this act.

Where a soldier has been discharged, and there is clothing due to him, the paymaster-general is to cause it to be paid for.

Sec. 9. *And be it further enacted*, That the several officers of the staff shall, respectively, receive the pay and emoluments, and retain all the privileges, secured to the staff of the army, by the act of March third, one thousand eight hundred and thirteen,† and not incompatible with the provisions of this act: and that the regulations in force before the reduction of

Officers of the staff are to receive pay and emoluments, and to retain privileges, according to act of 3d March, 1813, etc.

Regulations in

* See chapter 131, sections 2 and 3. †See chapter 84.

force prior to the reduction of the army recognized; subject, etc.

the army, be recognized, as far as the same shall be found applicable to the service; subject, however, to such alterations as the secretary of war may adopt, with the approbation of the President.

Officers of the staff enumerated in this act, to be recognized in service; and garrison surgeons and mates to be considered post surgeons.

SEC. 10. *And be it further enacted*, That the officers of the staff, provisionally retained by the President, and in this act enumerated and made permanent, be recognized in service under this act, and that the garrison surgeons and mates be hereafter considered as post surgeons; and hereafter the staff of the army may be taken from the line of the army, or from citizens.

Staff from the line or citizens.

Ordnance department continued, as organized by act of 8th Feb. 1815.

SEC. 11. *And be it further enacted*, That the ordnance department be continued, as at present organized under the act of February eighth, one thousand eight hundred and fifteen, and that ordnance officers be assigned to their duties with the staff of the army, in the same manner as from the corps of engineers.

Ordnance officers to be assigned to duties with the staff, etc.

Eight dollars per month for forage, when not drawn, for each horse.

SEC. 12. *And be it further enacted*, That when forage is not drawn in kind by officers of the army entitled thereto, eight dollars per month, for each horse, not exceeding the number authorized by existing regulations, shall be allowed in lieu thereof: *Provided*, That neither forage nor money shall be drawn by officers, but for horses actually kept by them in service: *Provided also*, That none, except company officers, shall be allowed to take as servants or waiters soldiers of the army; and that all officers be allowed, for each private servant actually kept in service, not exceeding the number authorized by existing regulations, the pay, rations, and clothing, of a private soldier, or money in lieu thereof, on a certificate, setting forth the name and description of the servant or servants, in the pay account: *Provided also*, That one additional ration be allowed to all subaltern officers of the army.

Proviso; neither forage nor money, except for horses actually in service.

Proviso; none but company officers to take soldiers for servants.

Pay, rations, and clothing, of a soldier for each private servant, or money in lieu, etc.

Proviso; an additional ration to subalterns of the army.

[*Approved*, *April* 24, 1816.]

CHAPTER 104.

An act to provide for cases of lost military land warrants, and discharges for faithful services.

Soldiers of the regular army having obtained warrants and lost them, etc. upon satisfactory proof of the fact to the secretary of war, are entitled to patents.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That when any soldier of the regular army, having obtained a military land warrant, shall have lost, or shall hereafter lose, the same, or the said warrant shall have been, or may be, by accident, destroyed, every such soldier shall, upon proof thereof, to the satisfaction of the secretary of war, be entitled to a patent, in like manner as if the said warrant was produced.

When it appears, to the satisfaction

SEC. 2. *And be it further enacted*, That in all cases of

discharges from the military service of the United States, of any soldier of the regular army, when it shall appear to the satisfaction of the secretary of war that a certificate of faithful services has been omitted by the neglect of the discharging officer, by misconstruction of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it shall be proved, as aforesaid, that any soldier of the regular army has lost his discharge and certificate of faithful service, the secretary of war shall cause such papers to be furnished such soldier of the regular army as will entitle him to his land warrant and patent: *Provided*, Such measure be justified by the time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

tion of the secretary of war, that certificates of faithful services, in cases of discharge from military service, have been omitted by neglect, misconstruction, or casualty, the omission is not to prevent the issuing of warrants and patents.

Upon proof of the loss of a discharge and certificate, the secretary of war is to furnish papers, etc.

Proviso; if the measure be justified by the time of enlistment, etc.

[*Approved*, *April* 27, 1816.]

CHAPTER 105.

An act concerning the annual sum appropriated for arming and equipping the militia.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the annual sum of two hundred thousand dollars, as appropriated for the purpose of providing arms and military equipments for the militia, either by purchase or manufacture, according to the act of the twenty-third of April, one thousand eight hundred and eight, entitled "An act making provision for arming and equipping the whole body of the militia of the United States," shall be paid, for each year, respectively, out of any moneys in the treasury not otherwise appropriated.

The sum of $200,000 for providing arms, etc. for the militia, to be paid out of any moneys in the treasury, not otherwise appropriated.

SEC. 2. *And be it further enacted*, That the sum appropriated, to be paid as aforesaid, shall be applied for the purpose, and according to the intention, specified in said act, without being liable, at any time, to be carried to the account of the surplus fund. And nothing in the act of the third of March, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the treasury, war, and navy, departments," shall be construed to authorize the transferring of the sum annually appropriated as aforesaid, or any portion thereof, to any other branch of expenditure.†

The sum appropriated to be applied according to the act of 23d April, 1808, without being carried to the surplus fund.

Nothing in the act of 3d March, 1809, to authorize a transfer of any portion of the sum to any other branch of expenditure.

[*Approved*, *April* 29, 1816.]

*See chapter 59, with the note thereon.

† See note to chapter 110.

CHAPTER 106.

An act to increase the compensation of the superintendents of the manufactories of arms at Springfield and Harper's Ferry.

$30 per month and a ration per day, additional, to the superintendents, of manufactories of arms at Springfield and Harper's Ferry.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, in addition to the pay and rations, as at present fixed, of the superintendents of the manufactories of arms at Springfield and Harper's Ferry, they shall receive thirty dollars per month, and one ration per day.

[*Approved*, *April* 29, 1816.]

CHAPTER 107.

An act to authorize the survey of two millions of acres of the public lands in lieu of that quantity heretofore authorized to be surveyed in the territory of Michigan, as military bounty lands.

So much of the act of the 6th of May, 1812, as provides for surveying 2,000,000 acres of military bounty lands in Michigan, repealed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That so much of the "Act to provide for designating, surveying, and granting, the military bounty lands,"* approved the sixth day of May, one thousand eight hundred and twelve, as authorizes the President of the United States to cause to be surveyed two millions of acres of the lands of the United States in the territory of Michigan, for the purpose of satisfying the bounties of land promised to the non-commissioned officers and soldiers of the United States, be, and the same is hereby, repealed; and in lieu of the said two millions of acres of land,

The President to cause 1,500,000 acres to be surveyed in Illinois, and 500,000 acres in Missouri.

the President of the United States be, and he is hereby, authorized to cause to be surveyed, of the lands of the United States fit for cultivation, not otherwise appropriated, and to which the Indian title is extinguished, one million five hundred thousand acres in the Illinois territory, and five hundred thousand acres in the Missouri territory, north of the river Missouri; the said

The lands to be divided into townships, subdivided, &c

lands shall be divided into townships, and subdivided into sections and quarter sections, (each quarter section to contain as near as possible, one hundred and sixty acres,) in the manner prescribed by law for surveying and subdividing the other lands of the United States; and the lands thus surveyed, with

The lands surveyed, with exception of salt springs, lead mines, and other reservations, to be set apart for satisfying bounties to non-com-

the exception of the salt springs and lead mines therein, and of the quantities of land adjacent thereto, as may be reserved for the use of the same by the President of the United States, and the section number sixteen in every township, to be granted to the inhabitants of such township for the use of public schools, shall, according to the provisions of the above recited

* Chapter 72.

act, be set apart for the purpose of satisfying the bounties of land promised to the non-commissioned officers and soldiers of the late army of the United States, their heirs and legal representatives, by the act, entitled "An act for completing the existing military establishment,* approved the twenty-fourth day of December, one thousand eight hundred and eleven, and by the act, entitled "An act to raise an additional military force,"† approved the eleventh day of January, one thousand eight hundred and twelve.

missioned officers and soldiers, &c.

SEC. 2. *And be it further enacted*, That every person in whose favor any warrant for military land bounty is issued, shall be, and is hereby, authorized to draw, by lot, one of the quarter sections surveyed by virtue of this act, and shall obtain a patent therefor, in the same manner, in every respect, as is or shall be provided by law for patents to issue for other military land bounties, or as is provided by the act, first above recited, for patents to issue for such lands.

Every person in whose favor a warrant for military land bounty is issued, authorized to draw, by lot, one of the quarter sections, and obtain a patent therefor, &c.

[*Approved*, *April* 29, 1816.]

CHAPTER 108.

Resolution authorizing the President of the United States to employ a skilful assistant in the corps of engineers.‡

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to employ, in addition to the corps of engineers as now established, a skilful assistant, whose compensation shall be such as the President of the United States shall think proper, not exceeding the allowance to the chief officer of that corps.

The President authorized to employ a skilful assistant to the corps of engineers, at such compensation as he may think proper, not exceeding, &c.

[*Approved*, *April* 29, 1816.]

CHAPTER 109.

An act to provide for the prompt settlement of public accounts.‖

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the third day of March the offices of ac-

Accountants' offices of the war and navy departments, and office

*Chapter 64. †Chapter 65. ‡Repealed, by chapter 156.

‖This act prescribes the duties, and indicates the powers, of those charged with the settlement of public accounts; and may, therefore, be useful to a portion of the officers of the army, whose duties relate to the disbursement of the public money.

of superintendent-general of military supplies, abolished.

countant and additional accountant of the department of war, the office of accountant of the navy, and the office of superintendent general of military supplies, be, and they are hereby, abolished.

All accounts to be settled in the treasury department, after 3d March, 1817.

SEC. 2. *And be it further enacted*, That, from and after the said third day of March next, all claims and demands whatever, by the United States or against them, and all accounts whatever, in which the United States are concerned either as debtors or as creditors, shall be settled and adjusted in the treasury department.

Four auditors and one comptroller additional, in the treasury department.

SEC. 3. *And be it further enacted*, That, from and after the third day of March next, in addition to the officers in the treasury department, already established by law, there shall be the following officers, namely: four auditors and one comptroller.

Duty of the first auditor.

SEC. 4. *And be it further enacted*, That it shall be the duty of the first auditor to receive all accounts accruing in the treasury department, and, after examination, to certify the balance, and transmit the accounts, with the vouchers and certificate, to the first comptroller, for his decision thereon; that it

Duty of the second auditor.

shall be the duty of the second auditor to receive all accounts relative to the pay and clothing of the army, the subsistence of officers, bounties, and premiums, military and hospital stores, and the contingent expenses of the war department; that it

Duty of the third auditor.

shall be the duty of the third auditor to receive all accounts relative to the subsistence of the army, the quartermaster's department, and generally, all accounts of the war department other than those provided for; and it shall be the duty of the

Duty of the fourth auditor.

fourth auditor to receive all accounts accruing in the navy department, or relative thereto; and the second, third, and fourth, auditors aforesaid, shall examine the accounts respectively, and certify the balance, and transmit the accounts, with the vouch-

Duty of the fifth auditor.

ers and certificate, to the second comptroller, for his decision thereon; and it shall be the duty of the fifth auditor to receive all accounts accruing in, or relative to, the department of state, the general post office, and those arising out of Indian affairs, and examine the same, and thereafter certify the balance, and transmit the accounts, with the vouchers and certificate, to the

Proviso; as to the accounts of the additional accountant.

first comptroller, for his decision thereon: *Provided*, That the President of the United States may assign to the second or third auditor the settlement of the accounts which are now confided to the additional accountant of the war department.

Further duties of the auditors.

SEC. 5. *And be it further enacted*, That it shall be the duty of the auditors, charged with the examination of the accounts of the war and navy departments, to keep all accounts of the receipts and expenditures of the public money in regard to those departments, and of all debts due to the United States on moneys advanced relative to those departments; to receive from the second comptroller the accounts which shall have been finally adjusted, and to preserve such accounts, with their vouchers and certificates, and to record all warrants drawn by the secretaries of those departments, the examination of the

accounts which has been assigned to them by the preceding section. And it shall be the duty of the said auditors to make such reports on the business assigned to them, as the secretaries of the war and navy departments may deem necessary, and require, for the services of those departments.

Auditors to report to the secretary of the treasury.

SEC. 6. *And be it further enacted*, That, the said auditors, shall annually, on the first Monday in November, report to the secretary of the treasury the application of the money appropriated for the military and naval departments for the preceding year, which shall be laid before Congress, by him, with the annual statement of the public expenditure.

The treasurer to disburse all moneys ordered for the use of the war and navy departments, &c.

SEC. 7. *And be it further enacted*, That the treasurer of the United States shall disburse all such moneys as shall have been previously ordered for the use of the war and navy departments by warrants from the treasury, which disbursements shall be made pursuant to warrants drawn by the secretary of the war and navy departments, respectively, countersigned by the second comptroller, and registered by the auditors respectively.

Duty of the first comptroller.

SEC. 8. *And be it further enacted*, That, it shall be the duty of the first comptroller to examine all accounts settled by the first and fifth auditors, and certify the balances arising thereon to the register; to countersign all warrants drawn by the secretary of the treasury, which shall be warranted by law; to report to the secretary the official forms to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein; he shall also superintend the preservation of the public accounts, subject to his revision, and provide for the regular payment of all moneys which may be collected.

Duty of the second comptroller.

SEC. 9. *And be it further enacted*, That it shall be the duty of the second comptroller to examine all accounts settled by the second, third, and fourth, auditors, and certify the balances arising thereon, to the secretary of the department in which the expenditure has been incurred; to countersign all warrants drawn by the secretaries of the war and navy departments, which shall be warranted by law; to report to the said secretaries the official forms to be issued in the different offices for disbursing the public money in those departments, and the manner and form of keeping and stating the accounts of the persons employed therein; and it shall also be his duty to superintend the preservation of the public accounts subject to his revision.

First comptroller to superintend the recovery of all debts, etc.

SEC. 10. *And be it further enacted*, That, it shall be the duty of the first comptroller to superintend the recovery of all debts to the United States; to direct suits and legal proceedings, and to take all such measures, as may be authorized by the laws, to enforce prompt payment of all debts to the United States.*

* See chapter 127, section 1.

The provision contained in the second section of the act of 3d of March, 1797, extended in regard to the accounts of the war and navy departments, etc.

SEC. 11. *And be it further enacted*, That the provision contained in the second section of the act, passed the third March, one thousand seven hundred and ninety-seven, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money," which directs that in every case where suits have been, or shall be, instituted, a transcript from the books and proceedings of the treasury, certified by the register, shall be admitted as evidence, be extended, in regard to the accounts of the war and navy departments, to the auditors respectively charged with the examination of those accounts, and that certificates, signed by them, shall be of the same effect as that directed to be signed by the register.

Auditors empowered to administer oaths, etc.

SEC. 12. *And be it further enacted*, That the auditors of the public accounts shall be empowered to administer oaths or affirmations to witnesses, in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

Secretary of the treasury to cause all accounts of the expenditure of public money, to be settled within the year, except, etc.

SEC. 13. *And be it further enacted*, That it shall be the duty of the secretary of the treasury to cause all accounts of the expenditure of public money to be settled within the year, except where the distance of the places where such expenditure occurs may be such as to make further time necessary; and, in respect to expenditures at such places, the secretary of the treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required.* And it shall be the duty of the first comptroller to lay before Congress, annually, during the first week of their session, a list of such officers as shall have failed in that year to make the settlement required by law.

First comptroller to lay before congress, annually, a list of officers failing to make settlement, etc.

The comptroller to distinguish between balances, etc.

SEC. 14. *And be it further enacted*, That, in the annual statement of all accounts on which balances appear to have been due more than three years, which the comptroller is now required by law to make, he shall hereafter distinguish those accounts, the balances appearing on which shall, in his opinion, be owing to difficulties of form, which he may think it equitable shall be removed by an act of Congress; and where the debtors, by whom such balances shall have been due more than three years, shall be insolvent, and have been reported to Congress for three successive years as insolvent, the comptroller shall not be required in such case to continue to include such balances in the statement abovementioned.

Comptroller not required to include balances where debtors have been reported insolvent three successive years.

Salary of the second comptroller and auditors, 3000 dollars, per annum.

SEC. 15. *And be it further enacted*, That the salary of the comptroller, appointed by virtue of this act, shall be three thousand dollars per annum, and that of the auditors, each, three thousand dollars per annum.

Letters, etc. to and from the second comptroller and auditors,

SEC. 16. *And be it further enacted*, That all letters and packages, to and from the comptroller and auditors herein before mentioned, be conveyed free of postage, under the same

* See chapter 131, section 2.

regulations that are provided by law for other officers of government; and the secretary of the treasury is hereby authorized to assign the several sums appropriated for clerk hire in the offices of the accountant, additional accountant, superintendent general of military supplies, and accountant of the navy, to the officers hereby created, to which their respective duties shall be assigned. [*Approved, March* 3, 1817.]

Secretary of the treasury to assign clerk hire, etc.

CHAPTER 110.

An act suplementary to an act, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy, Departments.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That nothing contained in the act of the third March, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the treasury, war, and navy, departments," shall be construed to authorize the President of the United States to direct any sum appropriated to fortifications, arsenals, armories, custom-houses, docks, navy yards, or buildings of any sort, or to munitions of war, or to the pay of the army or navy, to be applied to any other object of public expenditure.*

[*Approved, March* 3, 1817.]

The President restrained from making transfers of appropriations for specified objects to any other.

CHAPTER 111.

An act to amend an act, entitled, "An act making further provision for military services during the late war, and for other purposes."†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the widows and children of soldiers of the militia, the volunteers, the rangers, and the sea-fencibles, who served during the late war, and for whom half pay for five years was provided, by an act passed on the sixteenth day of April, one thousand eight hundred and sixteen, entitled "An act making

Widows and children of soldiers of milltia, volunteers, rangers, and sea-fencibles, etc. placed on an equality.

* By the provisions of the act of 1809, here referred to, which it was not foreseen would be called for, and which are, therefore, not included in the extract that constitutes chapter 60, the President is authorized, in the recess of Congress, on the application of the secretary of a department, to direct, that a portion of the moneys appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department. These provisions are further modified by chapter 124.

† For original act, see chapter 101.

further provision for military services during the late war, and for other purposes," shall be placed on an equality as to their annual allowance, that is to say: Such widows, and in case of no widow, such children, as may be embraced in the before-recited act, shall be entitled to receive, (as the half pay to which they are entitled,) at the rate of forty-eight dollars per annum, and no more; and the widows and children aforesaid, of the officers of the different corps aforesaid, shall be entitled to the half pay of the officers of the infantry.

Rate of annual allowance.

Provisions of the act fixing the military peace establishment, of 3d March, 1815, concerning additional pay, extended to wagon-masters, etc.

SEC. 2. *And be it further enacted*, That the provisions contained in an act, entitled "An act fixing the military peace establishment of the United States,"* passed on the third of March, one thousand eight hundred and fifteen, granting to the commissioned officers of the regular army, who were deranged by said act, three months' pay in addition to the pay and emoluments to which they were entitled by law at the time of their discharge, shall equally extend to wagon-masters, forage-masters, barrack-masters, and other warrant officers of the staff of the regular army, who were deranged by the before-recited act, except those provisionally retained by the President of the United States.

Further time to guardians for relinquishment of bounty lands, etc.

SEC. 3. *And be it further enacted*, That the further time of two years shall be allowed to the guardians of the minor children of deceased soldiers, to relinquish their claims to bounty lands for five years' half pay, according to the second section of the before-recited act, to which this is a supplement, passed the sixteenth day of April, one thousand eight hundred and sixteen.†

Widows and children of non-commissioned officers of the rangers, etc.

SEC. 4. *And be it further enacted*, That the widows and children of the non-commissioned officers of the rangers, shall be placed on the same footing as to half pay, for five years, with the widows and children of the infantry.

Provisions of the 2d section of the act of 16th April, 1816, extended, etc.

SEC. 5. *And be it further enacted*, That the provisions of the second section of the act to which this is a supplement, shall be, and the same are hereby, extended to all cases where either of the children therein mentioned shall have been under sixteen years of age at the time of the father's decease: *Provided*,

Proviso; as to assent of other heirs.

The guardian of such minor children shall, in addition to the relinquishment by said act required, file, in the office of the department of war, evidence of the assent of all the other heirs, if any there be, of said deceased soldier, or of their guardians, to such relinquishment.

Relinquishment of title to bounty land entitles children of regular soldiers to four dolls. per month.

SEC. 6. *And be it further enacted*, That in all cases where the child or children of a regular soldier, deceased, have the right, under the laws of the United States, to relinquish their bounty in land for five years' half pay, the said child or children shall be entitled to the same amount as is given by the

* See chapter 100.

† The time allowed to relinquish claims to bounty lands, is further extended for three years, by act of 3d March, 1819, chapter 123.

act to the widows of the militia soldiers who died in service during the late war, viz: four dollars per month.

[*Approved, March* 3, 1817.]

CHAPTER 112.

An act to fix the Peace Establishment of the Marine Corps.

Number of officers, musicians, and privates.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the peace establishment of the marine corps shall consist of the following officers, non-commissioned officers, musicians, and privates, viz: one lieutenant-colonel commandant, nine captains, twenty-four first lieutenants, sixteen second lieutenants, one adjutant and inspector, one paymaster, and one quartermaster, to be taken from the said captains and lieutenants, seventy-three corporals, forty-two drums and fifes, and seven hundred and fifty privates.

The President to cause this act to be carried into effect on the 1st of April, 1817; supernumerary officers to be discharged, with three months' additional pay.

SEC. 2. *And be it further enacted,* That the President of the United States cause the provisions of this act to be carried into effect on the first day of April next, or as soon thereafter as circumstances will admit, and cause any supernumerary officers to be discharged from the service of the United States; and to all persons so discharged, there shall be paid three months' additional pay.

The President may appoint any of the officers in the recess of the Senate, etc.

SEC. 3. *And be it further enacted,* That the President of the United States may, in the recess of the Senate, appoint any of the officers authorized by this act, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

[*Approved, March* 3, 1817.]

CHAPTER 113.

An act extending the time for obtaining military land warrants in certain cases.

The second section of the act referred to, not to apply to the heirs, etc. of persons killed, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the provisions of the second section of the act, entitled "An act to provide for designating, surveying, and granting, the military bounty lands,"* passed on the sixth day of May, one thousand eight hundred and twelve, which limits the time within which persons entitled to military bounty lands shall make their appli-

* See chapter 72.

cation for a land warrant, to five years from and after such person shall become entitled thereto, shall not be construed to apply to, affect, or bar, any application for a military land warrant, which may be made by the heirs and representatives of a deceased person, who was entitled thereto by services performed in the late war, or application by the heirs and representatives of any non-commissioned officer or soldier killed in action, or who died in the actual service of the United States, and entitled by existing laws to a bounty in lands; but the heirs and representatives of such persons shall be allowed to make their applications therefor at any time before the first day of May, one thousand eight hundred and twenty; any act to the contrary notwithstanding.

The heirs, etc. of such persons may make applications until 1st May, 1820.

[*Approved*, *March* 27, 1818.]

CHAPTER 114.

An act to establish the flag of the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the fourth day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white; that the union be twenty stars, white in a blue field.

After the 4th July, 1818, the flag to be 13 stripes and 20 stars.

SEC. 2. *And be it further enacted*, That, on the admission of every new state into the Union, one star be added to the union of the flag; and that such addition shall take effect on the fourth day of July then next succeeding such admission.

A star to be added for every new state.

[*Approved*, *April* 4, 1818.]

CHAPTER 115.

An act regulating the staff of the army.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That so much of the act "fixing the military peace establishment of the United States,"† passed the third of March, one thousand eight hundred and fifteen, as relates to hospital stewards and wardmasters, and so much of the "Act for organizing the general staff, and making further provision for the army of the United States,"‡ passed April twenty-fourth, one thousand

Part of the acts of 3d of March, 1815, and of 24th April 1816, repealed.

*Superseded by the provisions of the act of 2d March, 1821, chapter 128.
†See chapter 100. ‡See chapter 103.

eight hundred and sixteen, as relates to hospital surgeons, hospital surgeons' mates, judge advocates, chaplains, and forage, wagon, and barrack, masters, and their assistants, be, and the same is hereby, repealed.

A surgeon-general.
Assistant surgeon-general.
Judges-advocate,
Chaplain &c.
Eight post surgeons to a division.

SEC. 2. *And be it further enacted*, That, there shall be one surgeon-general, with a salary of two thousand five hundred dollars per annum, one assistant surgeon-general, with the emoluments of a hospital surgeon, one judge-advocate, with the pay and emoluments of a topographical engineer, to each division, and one chaplain, stationed at the military academy at West Point, who shall also be professor of geography, history, and ethics, with the pay and emoluments allowed the professor of mathematics; and that the number of post surgeons be increased, not to exceed eight to each division.

Quartermaster's department to consist of one quartermaster-general, in addition to deputies, etc.
Assistant deputies as the President deems proper, not exceeding twelve.

SEC. 3. *And be it further enacted*, That so much of the act of the twenty-fourth of April, one thousand eight hundred and sixteen, aforesaid, as relates to the quartermaster-general of division, shall be repealed; and the quartermaster's department shall consist, in addition to the two deputy quartermasters-general, and the four assistant-deputy quartermasters-general, now authorized, of one quartermaster-general, with the rank, pay, and emoluments, of a brigadier-general, and as many assistant deputy quartermasters-general as the President shall deem proper, not exceeding, in the whole number, twelve.

Three months' additional pay and emoluments to deranged commissioned officers.
This act to go into effect on or before 1st June, 1818.

SEC. 4. *And be it further enacted*, That to each commissioned officer who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law, at the time of their discharge, three months' pay and emoluments; and that the provisions of this act shall be carried into effect on or before the first day of June next.

Pay, etc. of inspector-generals of divisions raised.

SEC. 5. *And be it further enacted*, That the pay and emoluments of the inspector-generals of divisions be, and is hereby, raised to be equal to the pay and emoluments of the adjutant-generals of division.

A commissary-general to be appointed by the President, with the consent of the Senate.
Commissary-general's rank, pay etc.
Bond and security.
Assistant commissaries from the subalterns of the line, their pay, etc.
Assistants to give bond and security.
Duties of Commissary-general, etc.

SEC. 6. *And be it further enacted*, That, as soon as the state of existing contracts for the subsistence of the army shall, in the opinion of the President of the United States, permit it, there shall be appointed by the President, by and with the advice and consent of the Senate, one commissary-general, with the rank, pay, and emoluments, of colonel of ordnance, who shall before entering on the duties of his office, give bond and security, in such sum as the President may direct; and as many assistants, to be taken from the subalterns of the line, as the service may require, who shall receive twenty dollars per month in addition to their pay in the line, and who shall, before entering on the duties of their office, give bond and security, in such sums as the President may direct. The commissary-general and his assistants shall perform such duties, in purchasing and issuing of rations to the army of the United States, as the President may direct.

Supplies to be purchased by contract, on public notice, and delivered in bulk under regulations to be prescribed by the secretary of war, unless he otherwise directs

SEC. 7. *And be it further enacted*, That supplies for the army, unless in particular and urgent cases, the Secretary of war should otherwise direct, shall be purchased by contract, to be made by the commissary-general on public notice, to be delivered, on inspection, in the bulk, and at such places as shall be stipulated; which contract shall be made under such regulations as the Secretary of war may direct.

The President may make alterations in the component parts of the ration.

SEC. 8. *And be it further enacted*, That the President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the army and economy may require.

Commissary-general and assistants not to be concerned in trade, etc. in articles entering into the ration, except, etc. nor receive emolument, except by law.

SEC. 9. *And be it further enacted*, That the commissary-general and his assistants shall not be concerned, directly or indirectly, in the purchase or sale, in trade or commerce, of any article entering into the composition of the ration allowed to the troops in the service of the United States, except on account of the United States, nor shall such officer take and apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than what is or may be allowed by law; and the commissary-general and his assistants shall be subject to martial law.

Commissary-general, etc. subject to martial law.

Commissary-general's letters free of postage.

Proviso; the 6th 7th, 8th, 9th, and 10th sections of this act in force for five years etc.

SEC. 10. *And be it further enacted*, That all letters to and from the commissary-general, which may relate to his office duties, shall be free from postage: *Provided*, That the sixth, seventh, eighth, ninth, and tenth, sections of this act shall continue and be in force for the term of five years from the passing of the same, and thence until the end of the next session of Congress, and no longer.*

[*Approved, April* 14, 1818.]

CHAPTER 116.

An act regulating the pay and emoluments of brevet officers.

Brevet officers to receive pay, etc. of brevet rank only when on duty with a corresponding command.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the officers of the army, who have brevet commissions, shall be entitled to, and receive the pay and emoluments of, their brevet rank when on duty, and having a command according to their brevet rank, and at no other time.

Brevet commissions hereafter to have the consent of the Senate.

SEC. 2. *And be it further enacted*, That no brevet commission shall hereafter be conferred but by and with the advice and consent of the Senate.†

[*Approved April* 16, 1818.]

*The last four sections of this act are continued by chapter 130, and 145, and made permanent by chapter 168.

†See chapter 165, section 9.

CHAPTER 117.

An act respecting the organization of the army, and for other purposes.*

Company officers of artillery.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That hereafter the company officers of the corps of artillery shall consist of one captain, two first lieutenants, and two second lieutenants; and in the corps of light artillery, the company officers shall consist of one captain, one first lieutenant, and two second lieutenants; and one of the second lieutenants in each company shall act as a conductor of artillery, as in the case of the corps of artillery, whose duty it shall be to receipt and account for all ammunition, implements, and cannon; and for the performance of these services they shall be allowed, each, ten dollars extra per month.

Conductor of artillery, etc.

Extra pay to conductors of artillery.

One armorer to each regiment of infantry, riflemen, and battalion of artillery.

SEC. 2. *And be it further enacted,* That, to each regiment of infantry, riflemen, and to each battalion of the corps of artillery, and to the regiment of light artillery, there shall be attached one armorer, with the pay and emoluments allowed to armorers, employed by the ordnance department.

Where, in cases, etc. the pay, etc. of officers and soldiers has been delayed, etc, it is on evidence, to be adjusted and paid.

SEC. 3. *And be it further enacted,* That, in all cases during the late war, where an officer or soldier has been delayed the receipt of his pay and emoluments, or any part thereof, by having been transferred from one corps to another, or omitted to be returned on the muster roll, pay roll, or receipt roll, or from any other cause whatever, upon a satisfactory evidence of the justice of such claim, the same shall be adjusted and paid.

[*Approved, April* 20, 1818.]

CHAPTER 118.

Resolution directing the completion of the survey of the waters of the Chesapeake bay, and for other purposes.

Surveys preparatory to the establishment of two naval arsenals to be resumed and completed, &c.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he hereby is, requested to cause to be resumed and completed the surveys heretofore commenced, preparatory to the establishment of two naval arsenals; and that, to the naval officers employed in this service, officers of the corps of engineers be joined, with instructions to prepare plans of the fortifications necessary to be erected for the defence of such arsenals, with an estimate of the expense of erecting the same. And that the President be further requested to cause such a survey of the Chesapeake bay to be made, as may be requisite to ascertain what points are necessary to be fortified for the protection of commerce of the said bay;

Plans of fortifications and estimate of expense.

Survey of the Chesapeake bay, &c.

*The 1st and 2d sections of this act are superseded by the provisions of that of 2d March, 1821, to reduce and fix the military establishment—See chapter 128.

Report, with a plan, &c.

and a report of the same, with a plan of the works necessary to be erected, with an estimate of the expense of the same, to be made to Congress in the first week of their next session.

[*Approved, April* 20, 1818.]

CHAPTER 119.

An act allowing further time to complete the issuing and locating of military land warrants.

The authority granted to the secretary of war, by the acts of 6th May, 1812, and 10th Dec. 1814, to issue military land warrants, continued until 4th March, 1824.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the authority granted to the secretary for the department of war, by the second section of the act to provide for designating, surveying, and granting, the military bounty lands, approved the sixth day of May, one thousand eight hundred and twelve,* and by the fourth section of the act making further provision for filling the ranks of the army of the United States, approved December tenth, one thousand eight hundred and fourteen,† to issue warrants for the military land bounties to persons entitled thereto, shall be revived, and continued in force for the term of five years from and after the fourth day of March next.

The time limited for issuing and locating military land warrants, by act of 9th March, 1818, extended to 4th March, and 1st Oct. 1821.

SEC. 2. *And be it further enacted,* That the time limited by the act supplementary to the act further extending the time for issuing and locating military land warrants, and for other purposes, approved March ninth, one thousand eight hundred and eighteen, for issuing military land warrants, shall be extended to the fourth day of March, one thousand eight hundred and twenty-one, and the time limited by the said act for the location of unlocated military land warrants, shall be extended to the first day of October thereafter.‡

[*Approved, February* 24, 1819.]

CHAPTER 120.

An act to regulate the pay of the army when employed on fatigue duty.

15 cents and an extra gill of whiskey, &c. per day, to soldiers when

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, whenever it shall be found expedient to employ the ar-

*See chapter 72. †See chapter 97.

‡The provisions of this section and the acts therein referred to, relate to the officers and soldiers of the revolutionary army. The acts mentioned are not comprised in this volume.

my at work on fortifications, in surveys, in cutting roads, and other constant labor, of not less than ten days, the non-commissioned officers, musicians, and privates, so employed, shall be allowed fifteen cents, and an extra gill of whiskey, or spirits, each, per day, while so employed.

employed, not less than ten days, on fortifications, &c.

[*Approved, March* 2, 1819.]

CHAPTER 121.

An act regulating the payments to invalid pensioners.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That in all cases of application for the payment of pensions to invalids, under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons or physicians, whose credibility, as such, shall be certified by the magistrate before whom the affidavit is made, stating the continuance of the disability for which the pension was originally granted, (describing it,) and the rate of such disability at the time of making the affidavit, shall accompany the application of first payment which shall fall due after the fourth day of March next, and at the end of every two years thereafter; and if, in a case of a continued disability, it shall be stated at a rate below that for which the pension was originally granted, the applicant shall only be paid at the rate stated in the affidavit: *Provided,* That where the pension shall have been originally granted for a total disability, in consequence of the loss of a limb, or other cause which cannot, either in whole, or in part, be removed, the above affidavit shall not be necessary to entitle the applicant to payment: *And provided also,* That this act shall not extend to the invalids of the revolution, who have been, or shall be, placed on the pension list, pursuant to an act of Congress, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war," approved the eighteenth day of March, in the year of our Lord one thousand eight hundred and eight.

In applications for payments of pensions the affidavit of two credible surgeons, &c. stating the continuance and rate of disability, &c. to accompany the application for payment falling due after the 4th of March, 1820, and every two years thereafter, &c. the applicant to be paid at the rate, &c.

Proviso; affidavit not necessary in case of total disability, &c.

Proviso; this act not to extend to invalids of the revolutionary army.

[*Approved, March* 3, 1819.]

CHAPTER 122.

An act authorizing the sale of certain military sites.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the secretary of war be, and he is hereby, authorized,

The secretary of war, under direction of the Presi-

dent, authorized to sell useless military sites.

The secretary, on payment, to make a deed in fee.

Jurisdiction of the U. S. to cease.

under the direction of the President of the United States, to cause to be sold such military sites, belonging to the United States, as may have been found, or become, useless for military purposes. And the secretary of war is hereby authorized, on the payment of the consideration agreed for, into the treasury of the United States, to make, execute, and deliver, all needful instruments, conveying and transferring the same in fee; and the jurisdiction, which had been specially ceded, for military purposes, to the United States, by a state, over such site or sites, shall thereafter cease.

[*Approved*, *March* 3, 1819.]

CHAPTER 123.

An act concerning the allowance of pensions upon a relinquishment of bounty land.

The 2d section of the act of 16th April, 1816, &c. continued in force for three years.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the second section of the act making further provision for military services during the late war, and for other purposes, approved April sixteenth, one thousand eight hundred and sixteen,* and so much of the act to amend the same, approved March third, one thousand eight hundred and seventeen,† as relates to the subject of that section, shall be continued in force for the term of three years from and after the passing of this act: *Provided nevertheless*, That no pension shall be granted under the said acts, after the sixteenth day of April next, unless, at the time of relinquishing the bounty land, in the manner therein described, the children, for whose benefit the same may be granted, or one of them, shall be under sixteen years of age: *And provided also*, That the pensions shall commence at the date of the relinquishments respectively.

Proviso; the children, or one of them, must, to obtain the pension, be under 16 years.

Proviso; pension to commence at date of relinquishment.

[*Approved*, *March* 3, 1819.]

CHAPTER 124.

An act in addition to the several acts for the establishment and regulation of the treasury, war, and navy, departments.

[EXTRACT.]

Appropriations for the service of one year not to be transferred to

SEC. 4. *And be it further enacted*, That nothing contained in the act of March third, one thousand eight hundred and

* See chapter 101. † See chapter 111.

nine, entitled "An act further to amend the several acts for the establishment and regulation of the treasury, war, and navy, departments,"* shall be so construed, as to allow any appropriations whatever for the service of one year, to be transferred to another branch of expenditure in a different year, nor shall any appropriations be deemed subject to be transferred, under the provisions of the abovementioned act, after they shall have been placed in the hands of the treasurer, as agent of the war and navy departments.

another branch of expenditure in a different year, under act of 3d of March, 1809.

No appropriations in the hands of the treasurer, as agent, &c. to be subject to transfer under the act of 3d of March, 1809.

Sec. 5. *And be it further enacted*, That the abovementioned act of the third of March, one thousand eight hundred and nine, shall be, and the same is hereby, so amended, that the President shall be authorized to direct a portion of the moneys appropriated for any one of the following branches of expenditure in the military department, viz: For the subsistence of the army, for forage, for the medical and hospital department, for the quartermaster's department; to be applied to any other of the abovementioned branches of expenditure in the same department: And that the President shall be also further authorized to direct a portion of the moneys, appropriated for any of the following branches of expenditure in the naval department, viz: For provisions, for medicine and hospital stores, for repairs of vessels, for clothing; to be applied to any other of the abovementioned branches of expenditure in the same department; and that no transfers of appropriation, from or to other branches of expenditure, shall be hereafter made.

Act of 3d March, 1809, amended.

The President authorized to transfer appropriations for certain branches of expenditure in the war department.

The President authorized to transfer appropriations for certain branches of expenditure in the naval department.

Sec. 6. *And be it further enacted*, That no contract shall hereafter be made by the secretary of state, or of the treasury, or of the department of war, or of the navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting also, contracts for the subsistence and clothing of the army or navy, and contracts by the quartermaster's department, which may be made by the secretaries of those departments.

No contracts to be made by the secretaries of departments except under authority of a law, or an adequate appropriation; and except contracts for subsistence, clothing, and quartermaster's department.

Sec. 7. *And be it further enacted*, That no land shall be purchased on account of the United States, except under a law authorizing such purchase.

No land to be purchased for the U. S. except under authority of law.

[*Approved, May* 1, 1820.]

CHAPTER 125.

An act further to regulate the medical department of the army.†

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*,

Apothecary and assistant apothe-

*See note to chapter 110.

†The offices of apothecary, and assistant-apothecary-general, are superseded by act of 2d March, 1821—See chapter 128.

caries-general to give bonds with security, &c.

That the apothecary-general and assistant apothecaries-general shall severally give bonds to the United States, with good and sufficient security, for the faithful performance of their duties, in such sums as shall be required by the surgeon-general of the army, under the direction of the war department.

[*Approved*, *May*, 8, 1820.]

CHAPTER 126.

An act to limit the term of office of certain officers therein named, and for other purposes.

District attorneys, collectors of customs, naval officers, surveyors of customs, navy agents, receivers of public moneys, registers of land offices, paymasters, apothecary-general and assistants, and commissary-general of purchases, to be appointed for 4 years, removable at pleasure.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passing of this act, all district attorneys, collectors of the customs, naval officers and surveyors of the customs, navy agents, receivers of public moneys for lands, registers of the land offices, paymasters in the army, the apothecary-general, the assistant apothecaries-general, and the commissary-general of purchases, to be appointed under the laws of the United States, shall be appointed for the term of four years, but shall be removeable from office at pleasure.

Commission of officers now in office, to cease.

If on or before 30th Sept. 1814, at their dates ensuing 30th Sept. 1820.

If after 30th Sept. 1814, and before 1st Oct. 1816, at their dates ensuing 30th Sept. 1821.

All others, four years from their dates.

SEC. 2. *And be it further enacted*, That the commission of each and every of the officers named in the first section of this act, now in office, unless vacated by removal from office, or otherwise, shall cease and expire in the manner following: All such commissions, bearing date on or before the thirtieth day of September, one thousand eight hundred and fourteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September next; all such commissions, bearing date after the said thirtieth day of September, in the year one thousand eight hundred and fourteen, and before the first day of October, one thousand eight hundred and sixteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September, one thousand eight hundred and twenty-one. And all other such commissions shall cease and expire at the expiration of the term of four years from their respective dates.

The President authorized, from time to time, to regulate and increase the sums in bonds required from officers of the U. S.

SEC. 3. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby authorized, from time to time, as in his opinion the interest of the United States may require, to regulate and increase the sums for which the bonds required, or which may be required, by the laws of the United States, to be given by the said officers, and by all other officers employed in the disbursement of the public moneys under the direction of the war or navy departments, shall be given; and all bonds given in conformity with such

regulations shall be as valid and effectual, to all intents and purposes, as is given for the sums respectively mentioned in the laws requiring the same.

Commissions of officers employed in collecting revenue to be made out and recorded at the treasury department.

SEC. 4. *And be it further enacted*, That the commissions of all officers employed in levying or collecting the public revenue, shall be made out and recorded in the treasury department, and the seal of the said department affixed thereto; any law to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

Proviso; President's signature before sealing.

[*Approved, May* 15, 1820.]

CHAPTER 127.

An act providing for the better organization of the treasury department.*

An officer to be designated by the President, as agent, of the treasury, to superintend suits, &c. for the recovery of money, &c. for the use of the U. States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be the duty of such officer of the treasury department as the President of the United States shall, from time to time, designate for that purpose, as the agent of the treasury, to direct and superintend all orders, suits, or proceedings, in law or equity, for the recovery of money, chattels, lands, tenements, or hereditaments, in the name, and for the use, of the United States.

After 30th Sept. 1820, officers receiving public money before it is paid into the treasury, and failing to account.

SEC. 2. *And be it further enacted*, That, from and after the thirtieth day of September next, if any collector of the revenue, receiver of public money, or other officer, who shall have received the public money before it is paid into the treasury of the United States, shall fail to render his account, or pay over the same in the manner, or within the time, required by law, it shall be the duty of the first comptroller of the treasury to cause to be stated the account of such collector, receiver of public money, or other officer, exhibiting truly the amount due to the United States, and certify the same to the agent of the treasury, who is hereby authorized and required to issue a warrant of distress against such delinquent officer and his sureties, directed to the marshal of the district in which such delinquent officer and his surety or sureties shall reside; and where the said officer and his surety or sureties shall reside in different districts, or where they, or either of them, shall reside in a district other than that in which the estate of either may be situate, which may be intended to be taken and sold, then such warrant shall be directed to the marshals of such districts, and to their deputies, respectively; therein specifying the amount with

The 1st comptroller to state and certify the amount due.

And the agent to issue a warrant of distress against delinquent and sureties, to the marshal.

* This act contains provisions, in much detail, relating to accountability, very interesting, if not necessary, to all disbursing officers of the army. It was therefore, deemed advisable to insert it at large.

Marshal or deputy to proceed to levy and collect, by distress and sale of goods and chattels of delinquent.

Ten days' notice of sale, at two or more public places, &c.

Goods, &c. being insufficient, the person of the officer is liable, &c.

Warrant remaining unsatisfied by proceedings against delinquent, the marshal may proceed against the sureties' goods, &c.

Ten days' notice of sale, at two or more public places, &c.

Amount due by delinquent officer a lien upon lands, &c. of himself and sureties, from the date of a levy &c.

For want of goods, &c. lands, &c. may be sold.

Three weeks' notice of sale of lands, &c. at three public places.

Conveyance of the marshall to give a valid title to lands sold, &c

Remainder of proceeds of sale, after satisfying warrant and costs, to be returned to delinquent officers or sureties.

Proviso; summary process not to affect sureties before this act.

which such delinquent is chargeable, and the sums, if any, which have been paid. And the marshal authorized to execute such warrants shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer, having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside; and if the goods and chattels be not sufficient to satisfy the said warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. Notwithstanding the commitment of such officer, or if he abscond, or if goods and chattels cannot be found sufficient to satisfy the said warrant, the marshal or his deputy may and shall proceed to levy and collect the sum which remains due by such delinquent officer, by the distress and sale of the goods and chattels of the surety or sureties of such officer, having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold, at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels resides. And the amount due by any such officer as aforesaid shall be, and the same is hereby declared to be, a lien upon the lands, tenements, and hereditaments, of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same shall be discharged according to law. And for want of goods and chattels of such officer, or his surety or sureties, sufficient to satisfy any warrant of distress issued pursuant to the provisions of this act, the lands, tenements, and hereditaments, of such officer, and his surety or sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, prior to the time of sale, may and shall be sold by the marshal of such district or his deputy; and for all lands, tenements, or hereditaments, sold in pursuance of the authority aforesaid, the conveyance of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer, or his surety or sureties. And all moneys which may remain of the proceeds of such sales, after satisfying the said warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be: *Provided*, That the summary process herein directed shall not affect any surety of any officer of the United States who became bound to the United States before the passing of this act; but each

and every such officer shall, on or before the thirtieth day of September next, give new and sufficient sureties for the performance of the duties required of such officer.

Officers to give new sureties by the 30th Sept. 1820.

Sec. 3. *And be it further enacted*, That, from and after the thirtieth day of September next, if any officer employed, or who has heretofore been employed, in the civil, military, or naval departments of the government, to disburse the public money appropriated for the service of those departments, respectively, shall fail to render his accounts, or to pay over, in the manner, and in the times, required by law, or the regulations of the department to which he is accountable, any sum of money remaining in the hands of such officer, it shall be the duty of the first or second comptroller of the treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified, the account of such delinquent officer, to the agent of the treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the preceding section, all the provisions of which are hereby declared to be applicable to every officer of the government charged with the disbursement of the public money, and to their sureties, in the same manner, and to the same extent, as if they had been described and enumerated in the said section: *Provided, nevertheless*, That the said agent of the treasury, with the approbation of the secretary of the treasury, in cases arising under this or the preceding section, may postpone for a reasonable time, the institution of the proceedings required by this act, where, in his opinion, the public interest will sustain no injury by such postponement.

After 30th Sept. 1820, officers employed to disburse public moneys, being delinquent, in rendering account or paying over, &c. the first or second comptroller to state and certify the accounts and the agent of the treasury to proceed against them by warrant of distress, &c.

Proviso; the agent, with approbation of the secretary of the treasury, may postpone proceedings, &c.

Sec. 4. *And be it further enacted*, That if any person should consider himself aggrieved by any warrant issued under this act, he may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge aforesaid may, if in his opinion the case requires it, grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires; but no injunction shall issue till the party applying for the same shall give bond and sufficient security, conditioned for the performance of such judgment as shall be awarded against the complainant, in such amount as the judge granting the injunction shall prescribe; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of such warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it shall appear to the satisfaction of the judge who shall decide upon the same, that the application for the injunction was merely for delay, in addition to the lawful interest which shall be assessed on all sums which may be found due against the complainant, the said judge is hereby authorized to

Persons aggrieved may prefer a bill of complaint, to a district judge, &c.

The judge may grant an injunction.

No injunction until bond and security.

Injunction not to impair the lien to the warrant.

Damages, if application for the injunction was merely for delay.

add such damages as that, with the lawful interest, shall not exceed the rate of ten per centum per annum on the principal sum.

Injunction, &c. either in or out of court.

SEC. 5. *And be it further enacted*, That such injunctions may be granted or dissolved by such judge, either in or out of court.

Persons aggrieved by the district judge may apply to a judge of the supreme court, who may grant relief.

SEC. 6. *And be it further enacted*, That if any person shall consider himself aggrieved by the decision of such judge, either in refusing to issue the injunction; or, if granted, on its dissolution, it shall be competent for such person to lay a copy of the proceedings had before the district judge before a judge of the supreme court, to whom authority is hereby given either to grant the injunction or permit an appeal, as the case may be, if, in the opinion of such judge of the supreme court, the equity of the case requires it; and thereupon the same proceedings shall be had upon such injunction in the circuit court, as are prescribed in the district court, and subject to the same conditions in all respects whatsoever.

Attorneys of the United States, to conform to instructions from the agent of the treasury.

SEC. 7. *And be it further enacted*, That the attorneys of the United States, for the several judicial districts of the United States, in the prosecution of all suits in the same, in the name and for the benefit of the United States, shall conform to such directions and instructions, touching the same, as shall, from time to time, be given to them, respectively by the said agent of the treasury. And it shall, moreover, be the duty of each of the said attorneys, immediately after the end of every term of the district and circuit courts, or of any state court, in which any suit or action may be pending on behalf of the United States, under the direction of any district attorney, to forward to the said agent of the treasury a statement of the cases which have been decided during the said term, together with such information touching such cases as may not have been decided, as may be required by the said officer.

Attornies at the end of every term, to forward a statement of cases decided, &c. and information to the agent, &c.

Clerks of Circuit and district courts, within 30 days after term, to forward a list of judgments and decrees entered, to the agent, showing the amount, etc.

SEC. 8. *And be it further enacted*, That it shall be the duty of the clerks of the district and circuit courts, within thirty days after the adjournment of each successive term of the said courts, respectively, to forward to the said agent of the treasury, a list of all judgments and decrees which have been entered in the said courts, respectively, during such term, to which the United States are parties, showing the amount which has been so adjudged or decreed for or against the United States, and stating the term to which execution thereon will be returnable. And it shall, in like manner, be the duty of the marshals of the several judicial districts of the United States, within thirty days before the commencement of the several terms of the said courts, to make returns, to the said agent, of the proceedings which have taken place upon all writs of execution or other process which have been placed in his hands for the collection of the money which has been so adjudged and decreed to the United States in the said courts respectively.

Marshals, within 30 days before terms, to make returns, to the agent, of proceedings on writs of executions, etc.

Nothing in this

SEC. 9. *And be it further enacted*, That nothing in this

act contained shall be construed to take away or impair any right or remedy which the United States now have by law, for the recovery of taxes, debts, or demands.

[*Approved, May* 15, 1820.]

act to impair any right or remedy, under preceding laws, for the recovery of debts, etc.

CHAPTER 128.

An act to reduce and fix the military peace establishment of the United States.*

Military peace establishment, after 1st June, 1821.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, from and after the first day of June next, the military peace establishment of the United States shall be composed of four regiments of artillery, and seven regiments of infantry, with such officers of engineers, of ordnance, and of the staff, as are hereinafter provided for.

Artillery.

SEC. 2. *And be it further enacted,* That each regiment of artillery shall consist of one colonel, one lieutenant-colonel, one major, one sergeant-major, one quartermaster-sergeant, and nine companies, one of which shall be designated and equipped as light artillery: and that there shall be attached to each regiment of artillery one supernumerary captain to perform ordnance duty ;† and that each company shall consist of one captain, two first lieutenants, two second lieutenants, four sergeants, four corporals, three artificers, two musicians, and forty-two privates. That each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies; each of which shall consist of one captain, one first lieutenant, one second lieutenant, three sergeants, four corporals, two musicians, and forty-two privates ; and that to each regiment of artillery and infantry there shall be one adjutant, who shall be taken from the subalterns of the line.

Light artillery.

A supernumerary captain for ordnance duty.

Infantry,

Adjutant to each regiment.

re-

SEC. 3. *And be it further enacted,* That the corps of engineers, (bombardiers excepted,) and the topographical engineers, and their assistants, shall be retained in service as at present organized.

Engineers tained—except bombardiers.

SEC. 4. *And be it further enacted,* That the ordnance department shall be merged in the artillery; and that the President of the United States be, and he is hereby, authorized to select, from the regiments of artillery, such officers as may be necessary to perform ordnance duties, who, while so detached, shall receive the pay and emoluments now received by ordnance, officers, and shall be subject only to the orders of the

Ordnance department merged in the artillery.

Artillery officers to perform ordnance duties, etc.

Enlisted men of

*See chapters 152, 160 and 172.

†The provision for supernumerary captains of ordnance, repealed by chapter 150, section 3.

ordnance department reduced.

war department; and that the number of enlisted men in the ordnance department be reduced to fifty-six.*

One major-general with two aids, and two brigadiers with an aid each. Aids from subalterns of the line.

SEC. 5. *And be it further enacted*, That there shall be one major-general, with two aids-de-camp; two brigadier-generals, each with one aid-de-camp; and that the aids-de-camp taken from the subalterns of the line, and, in addition to their duties, shall perform the duties af assistant adjutant-general.

One adjutant and two inspectors-general, with rank etc. of colonels of cavalry.

SEC. 6. *And be it further enacted*, That there shall be one adjutant-general, and two inspectors-general, with the rank, pay, and emoluments, of colonels of cavalry.

A quartermaster-general. Two quartermasters. Ten assistant quartermasters, with additional pay.

SEC. 7. *And be it further enacted*, That there shall be one quartermaster-general; that there shall be two quartermasters, with the rank, pay, and emoluments, of majors of cavalry; and ten assistant quartermasters, who shall, in addition to their pay in the line, receive a sum not less than ten dollars, nor more than twenty dollars, per month, to be regulated by the secretary of war.†

A commissary-general of subsistence. Assistant commissaries not exceeding fifty, with additional pay. Assistant quartermasters and commissaries subject to duties in both departments.

SEC. 8. *And be it further enacted*, That there shall be one commissary-general of subsistence; and that there shall be as many assistant commissaries as the service may require, not exceeding fifty,‡ who shall be taken from the subalterns of the line, and shall, in addition to their pay in the line, receive a sum not less than ten, nor more than twenty, dollars per month; and that the assistant quartermasters, and assistant commissaries of subsistence, shall be subject to duties in both departments, under the orders of the secretary of war.

A paymaster general and fourteen paymasters. Commissary of purchases. Military storekeepers.

SEC. 9. *And be it further enacted*, That there shall be one paymaster-general, with the present compensation, and fourteen paymasters, with the pay and emoluments of regimental paymasters;‖ and that there shall be one commissary of purchases and two military storekeepers, to be attached to the purchasing department.

A surgeon-general Eight surgeons. Forty-five assistant surgeons.

SEC. 10. *And be it further enacted*, That the medical department shall consist of one surgeon-general, eight surgeons, with the compensation of regimental surgeons, and forty-five assistant-surgeons, with the compensation of post surgeons.§

Rank, pay, etc. except where there is special provision, to be according to existing laws. The force continued, subject to the rules and articles of war. The President to cause the force retained to be

SEC. 11. *And be it further enacted*, That the officers, non-commissioned officers, artificers, musicians, and privates, retained by this act, except those specially provided for, shall have the same rank, pay, and emoluments, as are provided, in like cases, by existing laws; and that the force authorized and continued in service under this act, shall be subject to the rules and articles of war.

SEC. 12. *And be it further enacted*, That the President of the United States cause to be arranged the officers, non-commissioned officers, artificers, musicians, and privates, of the

*So much of this act as merges the ordnance department in the Artillery and reduces the number of enlisted men is repealed by chapter 150, section 3.

†See chapter 139, section 4, increasing the number of officers in the quartermaster's department.

‡See chapter 145, which provides for two commissaries of subsistence.

‖See chapter 175 providing for additional paymasters.

§See chapters 153, and 175, increasing the medical department.

several corps now in the service of the United States, in such manner as to form and complete, out of the same, the force authorized by this act, and cause the supernumerary officers, non-commissioned officers, artificers, musicians, and privates, to be discharged from the service of the United States.

formed and completed out of the corps now in service. Supernumerary officers, etc. to be discharged.

SEC. 13. *And be it further enacted*, That there shall be allowed and paid to each commissioned officer who shall be discharged from the service of the United States in pursuance of this act, three months' pay, in addition to the pay and emoluments to which he may be entitled by law at the time of his discharge.

Three months' pay additional to the commissioned officers discharged in pursuance of this act.

SEC. 14.* *And be it further enacted*, That the system of "General Regulations for the Army," compiled by major-general Scott, shall be, and the same is hereby, approved and adopted for the government of the army of the United States, and of the militia when in the service of the United States.

General regulations approved and adopted for the army, and the militia when in the service of the U. States.

[*Approved, March* 2, 1821.]

CHAPTER 129.

An act to repeal the fourteenth section of "An act to reduce and fix the military peace establishment," passed the second day of March, one thousand eight hundred and twenty-one.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the fourteenth section of the act, entitled "An act to reduce and fix the military peace establishment," passed the second day of March, one thousand eight hundred and twenty-one, be, and the same is hereby, repealed.

The 14th section of the act to reduce and fix the military peace establishment, etc. repealed.

[*Approved, May* 7, 1822.]

CHAPTER 130.

An act to continue the present mode of supplying the army of the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the seventh, eighth, ninth, and tenth sections of the act, entitled "An act regulating the staff of the army,"† passed April fourteenth, eighteen hundred and eighteen, be, and the same are hereby, continued in force for the term of five years, and until the end of the next session of Congress thereafter.‡

The 7th, 8th, 9th and 10th sections of act of 14th April, 1818, continued in force for five years, and to the end of the next session of Congress.

[*Approved, January* 23, 1823.]

*This section is repealed by the next succeeding chapter.
†See chapter 115.
‡See chapter 145.

CHAPTER 131.

An act concerning the disbursement of public money.

No advance of public money to be made.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passing of this act, no advance of pulic money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment:

Proviso.

Provided, That it shall be lawful, under the special direction of the President of the United States, to make such advances to the disbursing officers of the government, as may be necessary to the faithful and prompt discharge of their respective duties,

Proviso.

and to the fulfilment of the public engagements: *And provided, also*, That the President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled, cannot be regularly effected.

Officers or agents of the U. States, to account quarterly.

SEC. 2. *And be it further enacted*, That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, as salary, pay, or emoluments, shall render his accounts quarter-yearly to the proper accounting officers of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months if

Proviso.

resident in a foreign country: *Provided*, That nothing herein contained shall be construed to restrain the secretaries of any of the departments from requiring such returns from any officer or agent, subject to the control of such secretaries, as the public interest may require.

Officers or agents offending against the preceding sections, to be promptly reported to the President, and dismissed from the public service.

SEC. 3. *And be it further enacted*, That every officer or agent of the United States, who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*,

Proviso.

That in all cases, where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

No security given to, or obligation entered into with, the government, to be impaired by dismissal or non-dismissal.

SEC. 4. *And be it further enacted*, That no security given to, or obligation entered into with, the government, shall be in any wise impaired, by the dismissing any officer, or from failure of the President to dismiss any officer coming under the provisions of this act.

[*Approved, January* 31, 1823.]

CHAPTER 132.

An act to establish a national armory on the western waters.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby, authorized to employ a skilful engineer or officer of the ordnance department, with such other person or persons as he may judge proper, to examine the most suitable site for a national armory on the western waters; and that the said engineer, and such other person or persons be requested to report the result of their examinations to Congress at the commencement of its next session, particular designating the sites by them examined, with the comparative advantages of each, and an estimate showing the amount necessary for purchasing each, and erecting all necessary buildings thereon. President authorized to form a board to examine a site for a national armory on the western waters.

SEC. 2. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby, appropriated, to effect the object of this act. Appropriation.

[*Approved March* 3, 1823.]

CHAPTER 133.

An act to allow further time to complete the issuing and locating of military land warrants.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the authority granted to the secretary of the department of war, by an act, approved the twenty-fourth day of February, one thousand eight hundred and nineteen, to issue warrants for the military land bounties, to persons entitled thereto, shall be revived and continued in force for the term of five years. The issuing of land warrants revived and continued in force for five years.

[*Approved May* 26, 1824.]

CHAPTER 134.

An act for arming the Militia of the District of Columbia.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the act of the twenty-third of April, one thousand eight hundred and eight, entitled "An act making provision for Act of 23d April, 1808, making provision for arming the militia, extended to

*See chapter 59, with note thereon.

the District of Columbia.

arming and equipping the whole body of the militia of the United States," be, and the same is hereby, declared to extend to the District of Columbia; and the President of the United States is hereby authorized and directed to issue arms and military equipments to the militia of said District, under such regulations for the return thereof as he may deem it proper to prescribe.

[*Approved, March* 3, 1825.]

CHAPTER 135.

An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes.*

Any person within any fort, &c. who shall maliciously burn any dwelling-house, &c. to suffer death.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That if any person or persons, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is ceded to, and under the jurisdiction of, the United States, or on the site of any light-house, or other needful building belonging to the United States, the site whereof is ceded to them, and under their jurisdiction, as aforesaid, shall, wilfully and maliciously, burn any dwelling house, or mansion, house or any store, barn, stable, or other building, parcel of any dwelling or mansion house, every person, so offending, his or her counsellors, aiders, and abetters, shall be deemed guilty of felony, and shall, on conviction thereof, suffer death.

Any person wilfully setting fire to, &c. any arsenal, &c. to be fined and imprisoned.

SEC. 2. *And be it further enacted*, That if any person or persons, in any of the places aforesaid, shall, wilfully and maliciously, set fire to, or burn, any arsenal, armory, magazine, rope-walk, ship-house, ware-house, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling-house, or any other building not mentioned in the first section of this act, or any ship or vessel, built, or building or begun to be built, or repairing, or any light-house, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out, ships, or vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualling stores, arms, or other munitions of war, every person so offending, his or her counsellors, aiders, and abetters, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Any offence committed in any of

SEC. 3. *And be it further enacted*, That, if any offence

*Although the offences defined by this act, come under the jurisdiction of the civil tribunals, it was thought the insertion of such of its provisions as relate to military and naval stations, would be in place here.

shall be committed in any of the places aforesaid, the punishment of which offence is not specially provided for by any law of the United States, such offence shall, upon a conviction in any court of the United States having cognizance thereof, be liable to, and receive, the same punishment as the laws of the state in which such fort, dock-yard, navy-yard, arsenal, armory, or magazine, or other place, ceded as aforesaid, is situated, provide for the like offence, when committed within the body of any county of such state.

the aforesaid places, the punishment of which is not provided for in this or any other law of the U. S. shall, on conviction in any court thereof, be dealt with according to the laws of the state.

SEC. 12. *And be it further enacted*, That, if any officer of the United States shall be guilty of extortion, under or by color of his office, every person so offending shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding one year, according to the aggravation of the offence.

Of any officer the U. S. who is guilty of extortion.

[*Approved, March* 3, 1825.]

CHAPTER 136.

An act to authorize the sale of unserviceable Ordnance, Arms, and Military Stores.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby, authorized to cause to be sold any ordnance, arms, ammunition or other military stores, or subsistence, or medical supplies, which, upon proper inspection or survey, shall appear to be damaged, or otherwise unsuitable for the public service, whenever, in his opinion, the sale of such unserviceable stores will be advantageous to the public service.

The President of the U. S. to cause to be sold any ordnance, etc. damaged, to such a degree, as renders them useless to the public service.

SEC. 2. *And be it further enacted*, That the inspection or survey of the unserviceable stores shall be made by an inspector-general, or such other officer or officers as the secretary of war may appoint for that purpose; and the sales shall be made under such rules and regulations as may be prescribed by the secretary of war.

The inspection or survey to be made by an inspector-general.

[*Approved, March* 3, 1825.]

CHAPTER 137.

An act concerning the United States' Arsenal in Georgia.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the secretary of war be, and he is hereby, authorized to

Secretary of war to cause to be purchased in the vicinity of Au-

gusta, a proper site for an U. S. arsenal.

cause to be purchased, in the vicinity of Augusta, a suitable site for an United States' arsenal, and to be erected thereon such buildings as may be necessary, in lieu of those at this time occupied for such purpose: *Provided*, such site can be obtained upon reasonable terms, and with a proper regard to health, and to the public convenience: *And provided also*, That the consent of the proper authorities of the state of Georgia shall be given thereto, and the jurisdiction over the same be ceded to the United States.

Proviso.

Proviso—consent of the proper authorities of said state to be first obtained, etc.

A sum not exceeding 70,000 dollars, appropriated, etc.

SEC. 2. *And be it further enacted*, That a sum not exceeding seventy thousand dollars be, and the same is hereby, appropriated for the objects aforesaid, out of any money in the treasury not otherwise appropriated. And that the secretary of war be, and he is hereby, authorized to cause to be sold, or otherwise disposed of, the buildings above mentioned, at present used as an arsenal, with the ground on which they stand, so as may best conduce to the public interest, and to the object aforesaid.

[*Approved*, *May* 20, 1826.]

CHAPTER 138.

An act to authorize the Secretary of the War Department to purchase a site for an Arsenal at St. Louis, in the state of Missouri, and to provide for the erection of an Arsenal on the same.

Secretary of war to purchase a site for an arsenal at or in the vicinity of Missouri.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the secretary of the war department be, and is hereby, authorized to purchase, as soon as it can be effected, on reasonable terms, a site for an arsenal, at or in the vicinity of St. Louis, Missouri; and to cause to be erected such an arsenal on the same, as may be deemed proper for the safe-keeping of the arms and munitions of the United States, on that frontier; and that for these purposes the sum of fifteen thousand dollars be, and the same is hereby, appropriated out of the moneys of [in] the treasury not otherwise appropriated.

[*Approved*, *May* 20, 1826.]

CHAPTER 139.

An act regulating the accountability for clothing and equipage issued to the army of the United States, and for the better organization of the Quartermaster's Department.

Duties of the quartermaster's department, in

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be the duty of the quartermaster's department, in

addition to its present duties, to receive, from the purchasing department, and distribute to the army of the United States, all clothing and camp and garrison equipage required for the use of the troops; and that it shall be the duty of the quartermaster-general, under the direction of the secretary of war, to prescribe and enforce, under the provisions of this act, a system of accountability for all clothing and equipage issued to the army.

addition to its present duties.

SEC. 2. *And be it further enacted*, That every captain, or commander of a company, detachment, or recruiting station, or other officer, who shall have received clothing or camp equipage for the use of his command, or for issue to the troops, shall render to the quartermaster-general, at the expiration of each regular quarter of the year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issues that shall have been made; which returns and vouchers, after due examination by the quartermaster-general, shall be transmitted for settlement to the proper office of the treasury department.

Every captain or commander of a company, etc. at the expiration of every quarter, to make returns of supplies.

SEC. 3. *And be it further enacted*, That it shall be the duty of all officers charged with the issue of clothing, or other supplies, carefully to preserve the same from waste or damage; and, in case of deficiency, on final settlement, of any article of supplies, the value thereof shall be charged against the delinquent, and deducted from his monthly pay, unless he shall show, to the satisfaction of the secretary of war, by one or more depositions, setting forth the circumstances of the case, that the said deficiency was occasioned by unavoidable accident, or was lost in actual service, without any fault on his part; and, in case of damage, he shall also be subject to charge for the damage actually sustained, unless he shall show, in like manner, to the satisfaction of the secretary of war, that due care and attention were given to the preservation of said supplies, and that the damage did not result from neglect.

Duty of all officers charged with the issue of clothing, etc.

SEC. 4. *And be it further enacted*, That, the better to enable the quartermaster's department to carry into effect the provisions of this act, there be appointed two additional quartermasters, and ten assistant quartermasters, to be taken from the line of the army, who shall have the same rank and compensation as are provided for like grades by the act, entitled "An act to reduce and fix the military peace establishment of the United States," approved the second day of March, one thousand eight hundred and twenty-one:* *Provided*, That assistant quartermasters be entitled, also, to receive the allowance of forage heretofore authorized, by law, to regimental and battalion quartermasters.

Two additional quartermasters, and ten assistant quartermasters to be appointed.

Proviso.

SEC. 5. *And be it further enacted*, That each officer appointed under this act, shall, before he enter upon his duties, give bond, with sufficient surety, to be approved by the secre-

Each officer appointed, to give bond and security.

* See chapter 128, section 7.

tary of war, in such sum as the President shall direct, with condition for the faithful performance of the duties of his office.

[*Approved, May* 18, 1826.]

CHAPTER 140.

An act giving further compensation to the Captains and Subalterns of the army of the United States, in certain cases.

After the passage of this act, each captain, etc. to be allowed an additional ration.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, from and after the passing of this act, each captain and subaltern in the army shall be allowed one additional ration.

Every officer, in actual command of a company, in the army of the U. S. to receive 10 dollars per month, additional pay.

Proviso.

SEC. 2. *And be it further enacted,* That every officer in the actual command of a company in the army of the United States, shall be entitled to receive ten dollars per month additional pay, as compensation for his duties and responsibilities, with respect to the clothing, arms, and accoutrements of the company, whilst he shall be in the actual command thereof: *Provided,* That no subaltern officer who shall be in the performance of any staff duty, for which he receives an extra compensation, shall be entitled to the additional ration herein provided for.

[*Approved, March* 2, 1827.]

CHAPTER 141.

An act authorizing the establishment of an Arsenal in the town of Augusta, in Maine.

Secretary of war to purchase a site for an arsenal in Augusta.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the secretary of the department of war be, and he is hereby, authorized and required to purchase, as soon as it can be effected, on reasonable terms, a site for an arsenal, in the town of Augusta, in the state of Maine; and to cause to be erected thereon such an arsenal as may be deemed proper, for the safe-keeping of the arms and munitions of the United States, for the northern and eastern frontier; and that, for these purposes, the sum of fifteen thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated.

[*Approved, March* 3, 1827.]

CHAPTER 142.

An act to prevent defalcations on the part of the Disbursing Agents of the Government, and for other purposes.*

No money appropriated to be paid to persons in arrears to the U. S.

Proviso; nothing to be construed to extend to balances arising from the depreciation of treasury notes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That no money hereafter appropriated shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable: *Provided,* That nothing herein contained shall be construed to extend to balances arising solely from the depreciation of treasury notes received by such person, to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officers, if demanded by the party, his agent or attorney, to report, forthwith, to the agent of the treasury department, the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

[*Approved, January* 25, 1828.]

CHAPTER 143.

An act authorizing the establishment of an Arsenal on the waters of Mobile or Pensacola Bays.

Secretary of war authorized, etc. to procure on reasonable terms, a site for an arsenal on the waters of Mobile or Pensacola Bays.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the secretary of war be, and he is hereby, authorized and required to procure, as soon as it can be effected, on reasonable terms, a site for an arsenal on the waters of Mobile or Pensacola Bays, and to cause to be erected thereon such an Arsenal as may be deemed proper, for the safe keeping of the arms and munitions of war of the United States, for the Mexican Gulf frontier: and that for these purposes the sum of fifty thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated.

[*Approved, May* 24, 1828.]

* See chapter 171.

CHAPTER 144.

Resolution to authorize the President to loan the Barracks at Sackett's Harbor to the Trustees of a Scientific and Military School to be established there.

The Madison barracks, at Sackett's Harbor, to be loaned to the military and scientific school, to be established in Jefferson county, N. Y.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to loan to the trustees of a military and scientific school, to be established in Jefferson county, state of New York, the Madison barracks, at Sackett's Harbor: *Provided*, The said trustees do contract to keep the same in good repair, order, and preservation.

Proviso.

[*Approved, May*, 24, 1828.]

CHAPTER 145.

An act to continue the present mode of supplying the army of the United States.

Sections 6, 7, 8, 9, and 10, of act April 14, 1818; and section 8, of March 2, 1821, continued for 5 years.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the sixth, seventh, eighth, ninth, and tenth sections of the act, entitled "An act regulating the staff of the army of the United States,"* passed April the fourteenth, eighteen hundred and eighteen, and the eighth section of the act, entitled "An act to reduce and fix the military peace establishment of the United States,"† passed March the second, eighteen hundred and twenty-one, are hereby continued in force for five years from the passing of this act, and thence to the end of the next session of Congress thereafter, and no longer.

Two commissaries created.

SEC. 2. *And be it further enacted*, That the better to enable the commissary-general of subsistence to carry into effect the provisions of the above specified acts, there be appointed two commissaries, to be taken from the line of the army, one of whom shall have the same rank, pay, and emoluments, as quartermaster; and the other with the rank, pay, and emoluments of assistant quartermaster.‡

[*Approved, March* 2, 1829.]

* See chapter 115. † See chapter 128. ‡ See chapter 168.

CHAPTER 146.

An act to authorize the re-conveyance of a lot of land to the Mayor and Corporation of the City of New York.

Whereas the Mayor and Corporation of the City of New York, on the sixth May, one thousand eight hundred and eight, did convey to the United States, a lot of land at the foot of Hubert street, in the city of New York, called the North Battery, "so long as the same should be used and applied to the defence and safety of the port of New York, and no longer."

P. U. S. authorized to re-convey North Battery to the city of N. Y. etc.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That whenever the President of the United States shall determine that the said lot is no longer useful for the purposes aforesaid, he be, and he hereby is, authorized to cause the same to be re-conveyed to the Mayor and Corporation of New York, the works thereon to be dismantled, and the materials thereof to be disposed of, in such manner as, in his judgment, the public interest may require.

[*Approved*, *May* 10, 1830.]

CHAPTER 147.

An act to alter and amend the sixty-fifth article of the first section of an act, entitled "An act for establishing rules and articles for the government of the armies of the United States,"* passed the tenth of April, one thousand eight hundred and six.

Courts Martial in certain cases to be appointed by P. U. S.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, whenever a general officer commanding an army, or a colonel commanding a separate department, shall be the accuser or prosecutor of any officer of the army of the United States, under his command; the general court martial for the trial of such officer shall be appointed by the President of the United States.

SEC. 2. *And be it further enacted*, That the proceedings and sentence of the said court shall be sent directly to the secretary of war, to be by him laid before the President for his confirmation, or approval, or orders in the case.

SEC. 3. *And be it further enacted*, That so much of the sixty-fifth article of the first section of "An act for establishing rules and articles for the government of the armies of the United States," passed on the tenth of April, eighteen hundred and six, as is repugnant hereto, be, and the same is hereby, repealed.

[*Approved*, *May* 29, 1830.]

* See chapter 53.

CHAPTER 148.

An act to exempt deserters, in time of peace, from the punishment of death.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the passage of this act, no officer or soldier in the army of the United States, shall be subject to the punishment of death, for desertion in time of peace.

[*Approved May* 29, 1830.]

CHAPTER 149.

An act to authorize the Secretary of War to purchase an additional quantity of land for the fortifications at fort Washington, on the river Potomac.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the secretary of war be, and he is hereby, authorized to purchase, in fee simple, from the executrix or trustees of William Dudley Diggs, deceased, a certain piece of land required for the complete defence of the works at fort Washington, on the Potomac, according to a survey of the same, deposited in the topographical Bureau, at Washington: *Provided*, the said purchase can be effected for the release of the amount of a judgment against William Dudley Diggs, deceased, for thirteen thousand three hundred and sixty-nine dollars and eighty-seven cents, with interest from ninth June, one thousand eight hundred and nineteen, until paid, and costs, which the sureties of the late Robert Brent have assigned to the United States: *And provided, further*, That those who are legally authorized to convey the said land shall make and execute a good title thereto, in fee simple, with an acquittance of all claims against the United States, for the previous use or occupation of all or any portion of the premises, or for any alleged injury to an adjacent fishery, the right and title to which is to be released to the United States.

Purchase of land authorized.

Proviso.

Proviso.

SEC. 2. *And be it further enacted*, That, upon the completion of the above purchase, on the terms and conditions specified, the proper officer of the United States shall be, and he hereby is, authorized to enter up satisfaction upon the judgment aforesaid.

Release of judgment.

[*Approved March* 2, 1831.]

CHAPTER 150.

An act providing for the organization of the ordnance department.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the passage of this act, the ordnance department shall consist of one colonel, one lieutenant-colonel, two majors, and ten captains, and as many enlisted men as the public service may require, not exceeding two hundred and fifty. Ordnance department to consist of, etc.

SEC. 2. *And be it further enacted,* That the secretary of war be authorized to select from the sergeants of the line of the army, who shall have faithfully served eight years in the service, four years of which in the grade of non-commissioned officer, as many ordnance sergeants as the service may require, not to exceed one for each military post; whose duty it shall be to receive and preserve the ordnance, arms, ammunition, and other military stores, at the post under the direction of the commanding officer of the same, and under such regulations as shall be prescribed by the secretary of war, and who shall receive for their services five dollars per month, in addition to their pay in the line. Ordnance sergeants.

SEC. 3. *And be it further enacted,* That the first section of the act passed on the eighth of February, one thousand eight hundred and fifteen, entitled "An act for the better regulation of the ordnance department;"* and so much of the second section of the act, entitled "An act to reduce and fix the military peace establishment of the United States,"† passed the second of March, one thousand eight hundred and twenty-one, as provides for one supernumerary captain to each regiment of artillery, to perform ordnance duty, and so much of the fourth section of the same act as merges the ordnance department in the artillery, and reduces the number of enlisted men, be, and the same are hereby repealed: *Provided,* That nothing contained in this act shall be so construed as to divest the President of the United States of authority to select from the regiments of artillery such number of lieutenants as may be necessary for he performance of the duties of the ordnance department. Proviso.

SEC. 4. *And be it further enacted,* That all officers and enlisted men authorized by this act, shall be subject to the rules and articles of war, and that the officers shall receive the pay and emoluments now allowed or which may hereafter be allowed, to artillery officers. Government, and Pay.

[*Approved April* 5, 1832.]

*See chapter 99.
†See chapter 128.

CHAPTER 151.

Resolution respecting the pay of the Marines.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the pay, subsistence, emoluments, and allowances of officers, non-commissioned officers, musicians and privates of the United States Marine Corps, shall be the same as they were previously to the first of April, one thousand eight hundred and twenty-nine, and shall so continue until they shall be altered by law.

[*Approved, May* 25, 1832.]

CHAPTER 152.

An ac to authorize the President to raise mounted volunteers for the defence of the frontier.*

How armed, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby, authorized to raise, either by the acceptance of volunteers, or enlistment for one year, unless sooner discharged, six hundred mounted rangers, to be armed, equipt, mounted, and organized in such manner, and to be under such regulations and restrictions as the nature of the service may, in his opinion, make necessary.

Organization.

SEC. 2. *And be it further enacted,* That each of the said companies of rangers shall consist of one captain, one first, one second and one third lieutenant; five sergeants, five corporals, and one hundred privates; the whole to form a battalion, and be commanded by a major.

Privates, etc, to arm and equip themselves.

SEC. 3. *And be it further enacted,* That the said non-commissioned officers and privates shall arm and equip themselves unless otherwise ordered by the President, and provide their own horses, and shall be allowed each one dollar per day as a full compensation for their services and the use of their arms and horses. The commissioned officers shall receive the same pay and emoluments as officers of the same grade in the army of the United States, and the officers shall be allowed forage for their horses, and be entitled to the same rations as those of the same grade in the army of the United States, respectively.

Officers' pay and emoluments.

Provision in case of disability.

SEC. 4. *And be it further enacted,* That the officers, non-commissioned officers, and privates, raised pursuant to this act, shall be entitled to the like compensation, in case of disability

*Superseded by act of 2d March 1833, chapter 160.

by wounds or otherwise, incurred in the service, as has heretofore been allowed to officers, non-commissioned officers, and privates in the military establishment of the United States; and shall be subject to the rules and articles of war, and such regulations as have been or shall be established according to law for the government of the army of the United States, as far as the same may be applicable to the said rangers within the intent and meaning of this act, for the protection and defence of the North Western frontier of the United States.

Corps subject to rules and articles of war.

SEC. 5. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint all the officers proper to be appointed under this act; which appointments may be made during the recess of the Senate, but shall be submitted to the Senate at their next session for their advice and consent; and that the sum of fifty thousand dollars be, and the same is hereby appropriated for the purpose of carrying this act into effect.

Officers, how appointed.

[*Approved, June* 15, 1832.]

CHAPTER 153.

An act to increase the number of Surgeons and Assistant-Surgeons in the Army of the United States.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint four additional surgeons and ten additional surgeon's mates, in the army of the United States.

Four surgeons and ten surgeons' mates.

[*Approved, June* 28, 1832.]

CHAPTER 154.

An act making provision for the sale and disposition of the public grounds in the cities of St. Augustine and Pensacola, and to reserve certain lots and buildings for public purposes, and to provide for their repair and preservation.

[EXTRACT.]

SEC. 5. *And be it further enacted*, That the President of the United States is hereby authorized to dispose of such part of the military reservations in the city of Detroit, and upon the river Rouge, in the Territory of Michigan, as in his opinion

Part of certain military reservations to be sold, and

*See chapter 175, further increasing the medical staff.

The proceeds to be vested in the purchase or erection of a store-house, wharf, and arsenal.

may not be wanted for the public service, and to vest the proceeds in the purchase or erection of a store house and wharf in the said city of Detroit, and in the erection of an arsenal in the vicinity thereof, either upon the public lands, or upon a site to be procured for that purpose.

[*Approved*, *June* 28, 1832.]

CHAPTER 155.

An act supplementary to the several acts making appropriation for the civil and military service during the year one thousand eight hundred and thirty-two.

[EXTRACT.]

District paymasters of the army directed to make payment to all troops in the service of the U. S.

SEC. 4. *And be it further enacted*, That it shall be the duty of the district paymasters of the army of the United States, in addition to the payments required to be made by them to the regular troops, to make payment to all other troops in the service of the United States, whenever required thereto by order of the President.

[*Approved*, *July* 14, 1832.]

CHAPTER 156.

Resolution to repeal a resolution, approved the twenty-ninth of April, one thousand eight hundred and sixteen,* authorizing the President of the United States to employ a skilful assistant in the corps of engineers.

Joint resolution of 29th April, 1816, repealed.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the first day of October next, the joint resolution, approved the twenty-ninth day of April, one thousand eight hundred and sixteen, authorizing the President of the United States to employ a skilful assistant in the corps of engineers, be, and the same is hereby, repealed.

[*Approved*, *July* 14, 1832.]

CHAPTER 157.

An act concerning certain officers of the Marine Corps.

Allowance authorized to certain officers of the marine corps.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he hereby is, author-

* See chapter 108.

ized to cause to be allowed and paid to such officers of the marine corps, as have heretofore received the brevet rank of majors in said corps, the amount of pay and emoluments to which they would have been entitled as commandants of separate stations, if said brevet rank had been recognized by the navy department: *Provided*, That no officer shall receive under this act more than the difference between the pay and emoluments actually received by them, and those to which their said brevet rank would have entitled them as aforesaid. Proviso.

[*Approved, July* 14, 1832.]

CHAPTER 158.

An act making appropriation for the support of the army for the year one thousand eight hundred and thirty-three.

[EXTRACT.]

SEC. 2. *And be it further enacted*, That the secretary of war be authorized, at his discretion, out of the moneys appropriated by this, or any former act, for the payment of the militia ordered into the service of the United States, according to law, during the last year, to allow and pay to the district paymasters of the army of the United States employed in making such payments, a commission on the sums respectively paid by them, not exceeding one per centum upon the amounts. Commissions to paymasters.

[*Approved, March* 2, 1833.]

CHAPTER 159.

An act to improve the condition of the non-commissioned officers and privates of the army and marine corps of the United States, and to prevent desertion.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passage of this act, all enlistments in the army of the United States, shall be for three years; and that the monthly pay of the non-commissioned officers and soldiers, shall be as follows, viz: to each sergeant-major, quartermaster-sergeant, and chief musician, sixteen dollars; to the first sergeant of a company, fifteen dollars; to all other sergeants, twelve dollars each; to each artificer, ten dollars; to each corporal, eight dollars; and to each musician and private soldier, six dollars; and that all enlistments in the marine corps, shall be for four years; and that the monthly pay of the non-commis- Army. Term of enlistment, and pay. Marine Corps. Term of enlistment, and pay.

sioned officers and soldiers in said corps, shall be as follows, viz: to each sergeant-major and quartermaster-sergeant, seventeen dollars; to the drum-major, fife-major, the orderly sergeants of posts, and first sergeants of guards at sea, sixteen dollars each; to all other sergeants, thirteen dollars: to each corporal, nine dollars; to each musician, eight dollars; and to each private, seven dollars.

$1, of monthly pay to be retained, &c.

SEC. 2. *And be it further enacted*, That one dollar of the monthly pay of every musician and private soldier, shall be retained until the expiration of the two first years of their enlistment, when each shall receive the twenty-four dollars retained pay, which shall have so accrued: *Provided*, He shall have served honestly and faithfully that portion of the term of his first enlistment.

Bounty for re-enlistment.

SEC. 3. *And be it further enacted*, That every able bodied musician or private soldier, who may re-enlist into his company or regiment, within two months before, or one month after, the expiration of his term of service, shall receive two months' extra pay, besides the pay and other allowances which may be due to him on account of the unexpired period of any enlistment.

Pay of re-enlisted men.

SEC. 4. *And be it further enacted*, That every able bodied musician or soldier, who shall re-enlist into his company or regiment, as specified in the third section of this act, shall receive his full pay, at the rate of six dollars per month, without any temporary deduction therefrom.

Premiums and bounties abolished.

SEC. 5. *And be it further enacted*, That no premium to officers, for enlisting recruits, nor bounties to recruits for enlisting, shall be allowed after the passage of this act.

No convict to be enlisted.

SEC. 6. *And be it further enacted*, That no person who has been convicted of any criminal offence, shall be enlisted into the army of the United States.

SEC. 7. *And be it further enacted*, That the seventh section of the act, entitled "An act making further provision for the army of the United States," passed on the sixteenth May, one thousand eight hundred and twelve, be, and the same is hereby, repealed, so far as it applies to any enlisted soldier, who shall be convicted by a general court martial of the crime of desertion.*

[*Approved*, *March* 2, 1833.]

CHAPTER 160.

An act for the more perfect defence of the frontiers.

Regiment of dragoons created.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That in lieu of the battalion of mounted rangers authorized by

* See chapter 74, and article 87, chapter 53, with the notes thereon.

the act of the fifteenth of June, one thousand eight hundred and thirty-two,* there be established a regiment of dragoons, to be composed and organized as follows, to wit: one colonel, one lieutenant-colonel, one major, one quartermaster-sergeant, and two chief buglers, one adjutant, who shall be a lieutenant, one sergeant-major, one chief musician, and ten companies; each company, to consist of one captain, one first lieutenant, and one second lieutenant, exclusive of the lieutenant who is to be the adjutant of the regiment; four sergeants, one of whom shall act as quartermaster-sergeant to the company, four corporals, two buglers, one farrier and blacksmith, and sixty privates. Organization.

SEC. 2. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates, when mounted, be entitled to the same pay and emoluments as was allowed to dragoons during the war,† and when on foot, the same pay and emoluments as are allowed to the officers, non-commissioned officers, musicians, and privates, of a regiment of infantry;‡ and that the farrier and blacksmith be allowed the same pay and allowances, as are allowed to an artificer of artillery. Pay when mounted. Pay when on foot.

SEC. 3. *And be it further enacted*, That the said regiment of dragoons shall be liable to serve on horse, or foot, as the President may direct; shall be subject to the rules and articles of war, be recruited in the same manner, and with the same limitations; that the officers, non-commissioned officers, musicians, farriers, and privates, shall be entitled to the same provisions for wounds and disabilities, the same provisions for widows and children, and the same allowances and benefits in every respect, as are allowed the other troops constituting the present military peace establishment. To serve on horse or foot, and subject to rules and articles of war, &c.

SEC. 4. *And be it further enacted*, That the President of the United States, be authorized to carry into effect this act, as soon as he may deem it expedient, and to discharge the present battalion of mounted rangers, on their being relieved by the said regiment of dragoons. President may carry act into effect.

SEC. 5. *And be it further enacted*, That the sum required to carry into effect the provisions of this act, is hereby appropriated, in addition to the appropriations, for the military establishment for the year one thousand eight hundred and thirty-three. Appropriation.

[*Approved, March* 2, 1833.]

* See chapter 152.

† See chapter 57, section 4.

‡ See chapter 159, section 1.

CHAPTER 161.

An act to increase and regulate the pay of the surgeons and assistant surgeons of the army.

Appointment of surgeons and assistants.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the passing of this act, no person shall receive the appointment of assistant surgeon in the army of the United States, unless he shall have been examined and approved by an army medical board, to consist of not less than three surgeons or assistant surgeons, who shall be designated for that purpose by the Secretary of War; and no person shall receive the appointment of surgeon in the army of the United States, unless he shall have served at least five years as an assistant surgeon, and unless, also, he shall have been examined by an army medical board constituted as aforesaid.

Pay and emoluments.

SEC. 2. *And be it further enacted,* That the surgeons in the army of the United States shall be entitled to receive the pay and emoluments of a major; and the assistant surgeons, who shall have served five years, shall be entitled to receive the pay and emoluments of a captain; and those who shall have served less than five years, the pay and emoluments of a first lieutenant; and that said assistant surgeons shall be entitled to receive the same allowance for forage as they are at present entitled to.

Increase of rations after ten years' service.

SEC. 3. *And be it further enacted,* That every surgeon and assistant surgeon, who shall have served faithfully ten years in these grades, respectively, shall be entitled to receive an increase of rations, per day, equal to the number of rations to which he may be entitled under this act.

[*Approved June* 30, 1834.]

CHAPTER 162.

An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.*

Certain United States Territory to be deemed Indian country.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all that part of the United States west of the Mississippi, and not within the states of Missouri and Louisiana, or the Territory of Arkansas, and, also, that part of the United States east of the Mississippi river, and not within any state to which

*This act relates chiefly to Indian affairs; but as the execution of some of its provisions devolves upon the commanders of the posts on the frontiers, its insertion, at large, in this place, was deemed advisable, the more especially as military officers may be required to execute the duties of Indian agents.—See chapter 163, section 4.

the Indian title has not been extinguished, for the purposes of this act, be taken and deemed to be the Indian country.

Persons trading with Indians to be licensed.

SEC. 2. *And be it further enacted*, That no person shall be permitted to trade with any of the Indians (in the Indian country) without a license therefor from a superintendent of Indian affairs, or Indian agent, or sub-agent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river. And the person applying for such license shall give bond in a penal sum not exceeding five thousand dollars, with one or more sureties, to be approved by the person issuing the same, conditioned that such person will faithfully observe all the laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same. And the superintendent of the district, shall have power to revoke and cancel the same, whenever the person licensed, shall, in his opinion, have transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or that it would be improper to permit him to remain in the Indian country. And no trade with the said tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents, and sub-agents, and to be inserted in the license. And it shall be the duty of the persons granting or revoking such licenses, forthwith to report the same to the commissioner of Indian affairs, for his approval or disapproval.

Application for license may be refused, and license revoked.

SEC. 3. *And be it further enacted*, That any superintendent, or agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant has been revoked, or a forfeiture of his bond decreed.—But an appeal may be had from the agent or the superintendent to the commissioner of Indian affairs; and the President of the United States shall be authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected; and no trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

Forfeiture of goods and fine for trading without a license.

SEC. 4. *And be it further enacted*, That any person other than an Indian who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall moreover forfeit and pay the sum of five hundred dollars.

Citizens only to be licensed.

SEC. 5. *And be it further enacted*, That no license to trade with the Indians shall be granted to any persons except citizens

Proviso.

of the United States: *Provided*, That the President shall be authorized to allow the employment of foreign boatmen and interpreters, under such regulations as he may prescribe.

Foreigners must obtain passports to go into the Indian country.

SEC. 6. *And be it further enacted*, That if a foreigner shall go into the Indian country without a passport from the war department, the superintendent, agent, or sub-agent of Indian affairs, or from the officer of the United States commanding the nearest military post on the frontiers, or shall remain intentionally therein after the expiration of such passport, he shall forfeit and pay the sum of one thousand dollars; and such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

Indians only to barter with Indians.

SEC. 7. *And be it further enacted*, That if any person other than an Indian shall, within the Indian country, purchase or receive of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any other article of clothing, except skins or furs, he shall forfeit and pay the sum of fifty dollars.

Other persons not to trap within their limits.

SEC. 8. *And be it further enacted*, That if any person, other than an Indian, shall, within the limits of any tribe with whom the United States shall have existing treaties, hunt, or trap, or take and destroy, any peltries or game, except for subsistence in the Indian country, such person shall forfeit the sum of five hundred dollars, and forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and peltries so taken.

Cattle not to be driven for forage on Indian lands.

SEC. 9. *And be it further enacted*, That if any person shall drive, or otherwise convey any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, such person shall forfeit the sum of one dollar for each animal of such stock.

Intruders may be removed.

SEC. 10. *And be it further enacted*, That the superintendent of Indian affairs, and Indian agents and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President of the United States is authorized to direct the military force to be employed in such removal.

Settlers may be driven off by military force.

SEC. 11. *And be it further enacted*, That if any person shall make a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or shall survey or shall attempt to survey such lands, or designate any of the boundaries by marking trees, or otherwise, such offender shall forfeit and pay the sum of one thousand dollars. And it shall, moreover, be lawful for the President of the United States to take such measures, and to employ such military force, as he may judge necessary to remove from the lands as aforesaid any such person as aforesaid.

Purchases or grants from In-

SEC. 12. *And be it further enacted*, That no purchase, grant, lease, or other conveyance of lands, or of any title or

claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the constitution. And if any person, not employed under the authority of the United States, shall attempt to negotiate such treaty or convention, directly or indirectly, to treat with any such nation or tribe of Indians, for the title or purchase of any lands by them held or claimed, such person shall forfeit and pay one thousand dollars: *Provided, nevertheless,* That it shall be lawful for the agent or agents of any state who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner or commissioners of the United States appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made for their claim to lands within such state which shall be extinguished by treaty.

Indians invalid.

Proviso.

SEC. 13. *And be it further enacted,* That if any citizen or other person residing within the United States or the territory thereof, shall send any talk, speech, message, or letter, to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or other law of the United States, or to disturb the peace and tranquillity of the United States, he shall forfeit and pay the sum of two thousand dollars.

Penalty for sending any talk, etc. to disturb the peace.

SEC. 14. *And be it further enacted,* That if any citizen, or other person, shall carry or deliver any such talk, message, speech, or letter, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatsoever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, knowing the contents thereof, he shall forfeit and pay the sum of one thousand dollars.

Persons carrying such, fined.

SEC. 15. *And be it further enacted,* That if any citizen or other person, residing or living among the Indians, or elsewhere within the territory of the United States, shall carry on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or in case any citizen or other person shall alienate, or attempt to alienate, the confidence of any Indian or Indians from the government of the United States, he shall forfeit the sum of one thousand dollars.

Persons corresponding with foreign powers with similar views, fined.

SEC. 16. *And be it further enacted,* That where, in the commission, by a white person, of any crime, offence, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured or destroyed, and a conviction is had for such crime, offence, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injur-

Property of friendly Indians injured or destroyed, to be paid for in twice its value.

ed, or destroyed. And if such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States: *Provided*, That no such Indian shall be entitled to any payment, out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence: *And provided also*, That if such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury, as aforesaid.

Proviso.

Further proviso.

Indemnification to be made for property taken or destroyed in certain cases.

SEC. 17. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall, within the Indian country take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or sub-agent, to make return of his doings to the commissioner of Indian affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty, to the party so injured, an eventual indemnification: *Provided*, That, if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided, also*, That, unless such claim shall be presented within three years after the commission of the injury, the same shall be barred. And if the nation or tribe to which such Indian may belong, receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom, and paid to the party injured; and, if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended.

Provisoes.

Superintendents, &c. may take depositions.

SEC. 18. *And be it further enacted*, That the superintendents, agents, and sub-agents, within their respective districts, be, and are hereby, authorized and empowered to take depositions of

witnesses touching any depredations within the purview of the two preceding sections of this act, and to administer an oath to the deponents.

And shall procure the arrest and trial of Indians accused.

SEC. 19. *And be it further enacted*, That it shall be the duty of the superintendents, agents, and sub-agents to endeavor to procure the arrest and trial of all Indians accused of committing any crime, offence, or misdemeanor, and all other persons who may have committed crimes or offences within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize; and the President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

Penalty for disposing of spirituous liquors to Indians.

SEC. 20. *And be it further enacted*, That if any person shall sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the war department, such person shall forfeit and pay a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or sub-agent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, and places of deposite of such person to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such persons shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the use of the informer, and the other half to the use of the United States; and if such person is a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, excepting military supplies as mentioned in this section.

Search may be made for such liquors.

And they may be destroyed.

Penalty for setting up a distillery.

SEC. 21. *And be it further enacted*, That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the superintendent of Indian Affairs, Indian agent, or sub-agent, within the limits of whose agency

the same shall be set up or continued, forthwith to destroy and break up the same; and it shall be lawful to employ the military force of the United States in executing that duty.

In trials about property, the burden of proof to rest on the white person.

SEC. 22. *And be it further enacted*, That in all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

Apprehension of persons violating the provisions of this act.

SEC. 23. *And be it further enacted*, That it shall be lawful for the military force of the United States to be employed in such manner and under such regulations as the President may direct, in the apprehension of every person who shall or may be found in the Indian country, in violation of any of the provisions of this act, and him immediately to convey from said Indian country, in the nearest convenient and safe route, to the civil authority of the territory or judicial district in which said person shall be found, to be proceeded against in due course of law; and also, in the examination and seizure of stores, packages, and boats, authorized by the twentieth section of this act, and in preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law:

Proviso.

Provided, That no person apprehended by military force as aforesaid, shall be detained longer than five days after the arrest and before removal. And all officers and soldiers who may have any such person or persons in custody shall treat them with all the humanity which the circumstances will possibly permit; and every officer or soldier who shall be guilty of maltreating any such person while in custody, shall suffer such punishment as a court martial shall direct.

Certain Indian country annexed, for legal purposes, to the district of Missouri, &c.

SEC. 24. *And be it further enacted*, That, for the sole purpose of carrying this act into effect, all that part of the Indian country west of the Mississippi river, that is bounded north by the north line of lands assigned to the Osage tribe of Indians, produced east of the State of Missouri: west, by the Mexican possessions; south, by Red river; and east, by the west line of the Territory of Arkansas and the State of Missouri, shall be, and hereby is, annexed to the Territory of Arkansas; and that for the purpose aforesaid, the residue of the Indian country west of the Mississippi river shall be, and hereby is, annexed to the judicial district of Missouri; and for the purpose aforesaid, the several portions of Indian country east of the said Mississippi river, shall be, and are hereby, severally annexed to the Territory in which they are situate.

Laws of the United States in force in certain cases.

SEC. 25. *And be it further enacted*, That so much of the laws of United States as provides for the punishment of crimes committed within any place within the sole and exclusive jurisdiction of the United States, shall be in force in the Indian country;

Proviso.

Provided, The same shall not extend to crimes com-

mitted by one Indian against the person or property of another Indian.

Offenders against this act may be arrested in any state or territory.

SEC. 26. *And be it further enacted*, That if any person who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territories, such offenders may be there apprehended, and transported to the territory or judicial district having jurisdiction of the same.

Penalties, how to be sued for.

SEC. 27. *And be it further enacted*, That all penalties which shall accrue under this act, shall be sued for and recovered in an action of debt, in the name of the United States, before any court having jurisdiction of the same, (in any state or territory in which the defendant shall be arrested or found,) the one half to the use of the informer, and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

Proceedings against goods or other property.

SEC. 28. *And be it further enacted*, That when goods or other property shall be seized for any violation of this act, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

Certain acts and parts of acts repealed.

SEC. 29. *And be it further enacted*, That the following acts and parts of acts shall be, and the same are hereby, repealed, namely: An act to make provision relative to rations for Indians, and to their visits to the seat of Government, approved May thirteen, eighteen hundred; an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved March thirty, eighteen hundred and two; an act supplementary to the act passed thirtieth March, eighteen hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved April twenty-nine, eighteen hundred and sixteen; an act for the punishment of crimes and offences committed within the Indian boundaries, approved March three, eighteen hundred and seventeen; the first and second sections of the act directing the manner of appointing Indian agents, and continuing the "Act establishing trading houses with the Indian tribes," approved April sixteen, eighteen hundred and eighteen; an act fixing the compensation of Indian agents and factors, approved April twenty, eighteen hundred and eighteen; an act supplementary to the act entitled "An act to provide for the prompt settlement of public accounts," approved February twenty-four, eighteen hundred and nineteen; the eighth section of the act making appropriations to carry into effect treaties concluded with several Indian tribes therein mentioned, approved March three, eighteen hundred and nineteen; the second section of the act to continue in force for a further time the act entitled "An act for establishing

trading houses with the Indian tribes, and for other purposes," approved March three, eighteen hundred and nineteen; an act to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirtieth of March, eighteen hundred and two, approved May six, eighteen hundred and twenty-two; an act providing for the appointment of an agent for the Osage Indians west of the state of Missouri and territory of Arkansas, and for other purposes, approved May eighteen, eighteen hundred and twenty-four; the third, fourth, and fifth sections of "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes," approved May twenty-five, eighteen hundred and twenty-four; the second section of the "Act to aid certain Indians of the Creek nation in their removal to the west of the Mississippi," approved May twenty, eighteen hundred and twenty-six; and an act to authorize the appointment of a sub-agent to the Winnebago Indians on Rock river, approved February twenty-five eighteen hundred and thirty-one: *Provided, however*, That such repeal shall not effect [affect] any rights acquired, or punishments, penalties, or forfeitures incurred, under either of the acts or parts of acts, nor impair or affect the intercourse act of eighteen hundred and two so far as the same relates to or concerns Indian tribes residing east of the Mississippi: *And provided also*, That such repeal shall not be construed to revive any acts or parts of acts repealed by either of the acts or sections herein described.

Provisoes.

The agents for the western territory to execute the duties, etc.

SEC. 30. *And be it further enacted*, That until a Western Territory shall be established, the two agents for the Western Territory, as provided in the act for the organization of the Indian department, this day approved by the President, shall execute the duties of agents for such tribes as may be directed by the President of the United States. And it shall be competent for the President to assign to one of the said agents, in addition to his proper duties, the duties of superintendent for such district of country or for such tribes, as the President may think fit. And the powers of the superintendent at St. Louis over such district or tribes as may be assigned to such acting superintendent shall cease: *Provided*, That no additional compensation shall be allowed for such services.

[*Approved, June* 30, 1834.]

CHAPTER 163.

An act to provide for the organization of the Department on Indian Affairs.*

The duties of Governors of Florida and Arkansas, as superintendents.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the duties of the governors of the territories of Florida and

* This act, like the preceding one, is inserted at large here, from its connexion with the military service.—See section 4.

Arkansas, as superintendents of Indian affairs, shall hereafter cease, and the duties of the governor of the territory of Michigan, as superintendent of Indian affairs, shall cease from and after the establishment of a new territory, embracing the country west of Lake Michigan, should such a territory be established. And while the governor of the said territory of Michigan continues to act as superintendent of Indian affairs, he shall receive therefor the annual sum of one thousand dollars, in full of all allowances, emoluments, or compensation for services in said capacity.

intendents, to cease.

Those of the Governor of Michigan to cease, &c

Until when, to receive for his services $1,000 per annum.

SEC. 2. *And be it further enacted*, That there shall be a superintendency of Indian affairs for all the Indian country not within the bounds of any state or territory west of the Mississippi river, the superintendent of which shall reside at St. Louis, and shall annually receive a salary of fifteen hundred dollars.

A superintendent to reside at St. Louis.

SEC. 3. *And be it further enacted*, That superintendents of Indian affairs shall, within their several superintendencies, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the government in the Indian department, under such regulations as shall be established by the President of the United States; and may suspend such officers and persons from their office or employments, for reasons forthwith to be communicated to the secretary of war.

Duties of superintendents.

SEC. 4. *And be it futher enacted*, That the following Indian agents shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall hold their offices for the term of four years, and who shall give bond, with two or more securities, in the penal sum of two thousand dollars, for the faithful execution of the same, and shall receive the annual compensation of fifteen hundred dollars.

Indian agents to be appointed.

Two agents for the Western Territory.
An agent for the Chickasaws.
An agent for the Eastern Cherokees.
An agent for the Florida Indians.
An agent for the Indians in the state of Indiana.
An agent at Chicago.
An agent at Rock Island.
An agent at Prairie du Chien.
An agent for Michilimackinac and the Sault Sainte Marie.
An agent for the St. Peter's.
An agent for the Upper Missouri.

And the following agencies shall be discontinued at the periods herein mentioned, that is to say:

Agencies discontinued.

The Florida agency, from and after the thirty-first day of December next.

The Cherokee agency, from and after the thirty-first day of December next.

The Indiana agency, from and after the thirty-first day of December, eighteen hundred and thirty-six.

The Chicago agency from, and after the thirty-first day of December next.

The Rock Island agency, from and after the thirty first day of December, eighteen hundred and thirty-six.

Proviso.

And all other agencies, not provided for in this act, from and after the passing thereof: *Provided*, That the limitation of the said agencies shall not be construed to prevent the President of the United States from discontinuing the same at an earlier period. And the President shall be, and he is hereby authorized, whenever he may judge it expedient, to discontinue any Indian agency, or to transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require. And every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission. And it shall be competent for the President to require any military officer of the United States to execute the duties of Indian agent.

Sub-agents to be appointed by the President.

SEC. 5. *And be it further enacted*, That a competent number of sub-agents shall be appointed by the President, with an annual salary of seven hundred and fifty dollars each, to be employed and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of one thousand dollars, for the faithful execution of the same. But no sub-agent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.

Those in office to hold for their terms.

SEC. 6. *And be it further enacted*, That nothing herein contained shall be construed to require the re-appointment of persons now in office, until the expiration of their present term of service; but the commissions of all Indian agents and sub-agents, now in office, shall expire on the fourth day of March next, unless sooner terminated.

Limits of agencies, and duties of agents, &c.

SEC. 7. *And be it further enacted*, That the limits of each agency and sub-agency shall be established by the secretary of war, either by tribes or by geographical boundaries. And it shall be the general duty of Indian agents and sub-agents to manage and superintend the intercourse with the Indians within their respective agencies, agreeably to law; to obey all legal instructions given to them by the secretary of war, the commissioner of Indian affairs, or the superintendent of Indian affairs; and to carry into effect such regulations as may be prescribed by the President.

Additional security may be required from persons entrusted with disbursements.

SEC. 8. *And be it further enacted*, That the President of the United States may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of the Indian department.

Interpreters.

SEC. 9. *And be it further enacted*, That an interpreter shall

be allowed to each agency, who shall receive an annual salary of three hundred dollars: *Provided*, That where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the secretary of war, for each of the said tribes. Interpreters shall be nominated, by the proper agents, to the war department for approval, and may be suspended, by the agent, from pay and duty, and the circumstances reported to the war department for final action; and blacksmiths shall, in like manner, be employed wherever required by treaty stipulations, and such blacksmith shall receive an annual compensation of four hundred and eighty dollars; and if they furnish their shop and tools, an additional sum of one hundred and twenty dollars; and their assistants shall be allowed an annual compensation of two hundred and forty dollars. And wherever farmers, mechanics, or teachers are required by treaty stipulatious to be provided, they shall be employed under the direction of the war department, and shall receive an annual compensation of not less than four hundred and eighty dollars, nor more than six hundred dollars. And in all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties. And where any of the tribes are, in the opinion of the secretary of war, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

Proviso.

Blacksmiths, &c.

SEC. 10. *And be it further enacted*, That the compensation prescribed by this act shall be in full of all emoluments or allowances whatsoever: *Provided however*, That, where necessary, a reasonable allowance or provision may be made for offices and office contingencies: *And provided also*, That where persons are required, in the performance of the duties under this act, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them: *And provided, also*, That no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the secretary of war: *And provided, also*, That no person shall hold more than one office at the same time under this act, nor shall any agent, sub-agent, interpreter, or person employed under this act, receive his salary while absent from his agency or employment without leave of the superintendent or secretary of war: *Provided*, such absence shall at no one time exceed sixty days.

Compensation prescribed, to be in full.

Provisoes.

SEC. 11. *And be it further enacted*, That the payment of all annuities or other sums stipulated by treaty to be made to any Indian tribe, shall be made to the chiefs of such tribe, or to such person as said tribe shall appoint; or if any tribe shall appropriate their annuities to the purpose of education, or to

Annuities to be paid to chiefs or other persons appointed by the tribe.

any other specific use, then to such person or persons as such tribe shall designate.

Annuities if requested, may be paid in goods.

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, at the request of any Indian tribe to which any annuity shall be payable in money, to cause the same to be paid in goods, purchased as provided in the next section of this act.

Merchandise—how to be purchased.

SEC. 13. *And be it further enacted*, That all merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the secretary at war, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the commissioners, by such person as they shall appoint, or by such person as shall be designated by the President for that purpose. And all other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose. And the superintendent, agent or sub-agent together with such military officer as the President may direct, shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians. And the duties required by any section of this act, of military officers, shall be performed without any other compensation than their actual travelling expenses; and all persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects of any kind, for the benefit of the Indians, shall settle their accounts, annually, at the war department, on the first day of October; and copies of the same shall be laid, annually, before Congress at the commencement of the ensuing session, by the proper accounting officers; together with a list of the names of all persons to whom money, goods, or effects had been delivered within said year, for the benefit of the Indians, specifying the amount and object for which it was intended, and showing who are delinquents, if any, in forwarding their accounts according to the provisions of this act; and, also, a list of the names of all persons appointed or employed under this act, with the dates of their appointment or employment, and the salary and pay of each.

Persons employed in the Indian department not to be concerned in the trade.

SEC. 14. *And be it further enacted*, That no person employed in the Indian department shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall forfeit the sum of five thousand dollars, and upon satisfactory information of such offence being laid before the President of the United States, it shall become his duty to remove such person from the office or situation he may hold.

Animals and implements, to the amount of $5,000 may be furnished to Indians west

SEC. 15. *And be it further enacted*, That the President shall be, and he is hereby, authorized to cause any of the friendly Indians west of the Mississippi river, and north of the boundary of the Western Territory, and the region upon Lake

Superior and the head of the Mississippi, to be furnished with useful and domestic animals and implements of husbandry, and with goods, as he shall think proper: *Provided*, That the whole amount of such presents shall not exceed the sum of five thousand dollars. of the Mississippi.

SEC. 16. *And be it further enacted*, That the President be, and he is hereby, authorized to cause such rations as he shall judge proper, and as can be spared from the army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations, and a special account of these issues shall be kept and rendered. Rations to Indians visiting military posts.

SEC. 17. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized to prescribe such rules and regulations as he may think fit, for carrying into effect the various provisions of this act, and of any other act relating to Indian affairs, and for the settlement of the accounts of the Indian department. President to prescribe rules and regulations.

SEC. 18. *And be it further enacted*, That all acts or parts of acts, contrary to the provisions of this act, shall be, and the same are hereby, repealed. Acts contravening this repealed.

[*Approved*, *June* 30, 1834.]

CHAPTER 164.

An act to provide for the payment of claims, for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, during the late war with the Indians on the frontiers of Illinois and Michigan Territory.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That any officer, field or staff, volunteer, ranger, cavalry or other persons engaged in the service of the United States in the late campaigns against the Indians on the frontiers of Illinois, and Michigan territory, who have sustained damage without any fault or negligence on their part, respectively, by the loss of a horse, or necessary equipage in battle, or by the loss of a horse that was wounded in battle, and afterwards died of said wound while in the service, or who has sustained damage by the reason of the loss of any horse which in consequence of the United States failing to supply sufficient forage, while engaged in said service, died, or was unavoidably abandoned and lost, or who has sustained damage by reason of the loss of any horse, because the rider was dismounted and separated from his horse, and ordered to do military duty on foot at a station detached Officers and others to be paid the value of property lost.

*See chapters, 177—178.

from his horse, or for the loss of necessary equipage, in consequence of the loss of his horse as aforesaid, shall be allowed and paid the value thereof: *Provided*, That if any payment shall have been made to any officer, soldier or other person as aforesaid, for the use and risk, or for forage after the death or abandonment of said horse, said amount shall be deducted from the value thereof, unless said officer or soldier or other person shall have satisfied the paymaster at the time he made the payment, or shall hereafter show by proof that he was remounted, in which case the deduction shall only extend to the time such officer, soldier, or other person, served on foot: *And provided also*, That if any payment shall have been made, to any officer, or soldier on account of clothing, such payment shall be deducted from the value of his horse and accoutrements, *And provided further*, That no claim shall be allowed under the provisions of this section until the best evidence which the nature of the case will admit of, shall be produced before the accounting officer showing the number of horses lost, in manner aforesaid, the time when lost, and the name of the owner.

Proviso.

Further provisoes.

Volunteers or draughted militiamen to be allowed for arms, &c. lost.

SEC. 2. *And be it further enacted*, That any person who, in the Indian wars aforesaid, has acted in the military service of the United States as a volunteer or draughted militiaman, and who has furnished himself with arms and military accoutrements, and has sustained damage by the capture, or destruction of the same, without any fault or negligence on his part, or who has lost the same by reason of his being wounded in the service shall be allowed and paid the value thereof.

Parents or guardians to receive compensation on account of deceased minors.

SEC. 3. *And be it further enacted*, That in all instances where any minor has been engaged in the military service as aforesaid, during the Indian wars as aforesaid, and was provided with a horse or equipments, or with military accoutrements by his parent or guardian, and has since deceased, without paying for said property, and the same was lost, captured, destroyed, or abandoned, in the manner before mentioned, said parent or guardian shall be allowed pay therefor on making satisfactory proof as in other cases, and the further proof, that he is entitled thereto by having furnished the same.

Third auditor to adjudicate the claims.

SEC. 4. *And be it further enacted*, That the third auditor of the treasury shall adjudicate and decide such claims as may be presented against the United States, under the provisions of this act, *Provided*: That every claim which exceeds the sum of two hundred dollars, instead of deciding the same, the said third auditor shall report the whole of the proof to Congress at its next session after taking and closing such proof; and he shall have power by constituting a commission or otherwise, to take testimony in any case where he shall think the interests of the United States require further testimony to be taken.

Proviso.

Amount allowed to be paid if not exceeding $200.

SEC. 5. *And be it further enacted*, That any sum of money to any amount not exceeding two hundred dollars so allowed by said third auditor shall be paid by the secretary of the

treasury, out of any money in the treasury not otherwise appropriated.

[*Approved, June*, 30, 1834.]

CHAPTER 165.

An act for the better organization of the United States "Marine Corps."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the passage of this act, the marine corps shall consist of the following officers, non-commissioned officers, musicians and privates, viz. one colonel-commandant, one lieutenant-colonel, four majors, thirteen captains, twenty, first lieutenants, twenty, second lieutenants, one adjutant and inspector, one paymaster, one quartermaster, one assistant-quartermaster, one sergeant-major, one quartermaster-sergeant, one drum-major, one fife-major, eighty sergeants, eighty corporals, thirty drummers, thirty fifers and one thousand privates.

Of what the corps shall consist.

Sec. 2. *And be it further enacted*, That the said corps shall, at all times, be subject to, and under the laws and regulations which are, or may hereafter be, established for the better government of the navy, except when detached for service with the army by order of the President of the United States.

To be subject to the laws for the government of the navy.

Except when on service with the army.

Sec. 3. *And be it further enacted*, That the officers, non-commissioned officers, musicians and privates, shall take the oath prescribed by law, and that all enlistments shall be for the term of four years, during which period marines, so enlisted, shall be, and are hereby, exempt from all personal arrest for debt or contract.

Enlistments to be for four years, and marines exempt from arrest for debt.

Sec. 4. *And be it further enacted*, That the officers of the marine corps shall be, in relation to rank, on the same footing as officers of similar grades in the army: *Provided*, That no officer of the marine corps shall exercise command over any navy yard or vessel of the United States.

Rank of Officers as in the army.

Proviso.

Sec. 5. *And be it further enacted*, That the officers of the marine corps shall be entitled to, and receive the same pay, emoluments, and allowances, as are now, or may hereafter be, allowed to officers of similar grades in the infantry of the army,* except the adjutant and inspector, who shall be entitled to the same pay, emoluments and allowances, as are received by the paymaster of said corps; and the non-commissioned officers, musicians and privates, shall be entitled to the same pay, rations, clothing, and allowances, as they now receive.†

Pay and emoluments.

Sec. 6. *And be it further enacted*, That the staff of said corps shall be taken from the captains or subalterns of the corps.

Staff.

*See chapter 49. †See chapter 159.

Existing commissions not vacated.

SEC. 7. *And be it further enacted*, That the commissions of the officers now in the marine corps shall not be vacated by this act, and that the President of the United States may during the recess of the Senate, first by promotions according to rank and then by selections, appoint the officers hereby authorized, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

President to prescribe regulations.

SEC. 8. *And be it further enacted*, That the President be and he is hereby, authorized to prescribe such military regulations for the discipline of the marine corps, as he may, in his judgment, deem expedient.

Part of former acts repealed.

SEC. 9. *And be it further enacted*, That so much of the fourth section of an act, passed the 6th day of July, in the year one thousand eight hundred and twelve, entitled "An act making further provision for the army of the United States, and for other purposes,"* or of any other act as authorizes the President to confer brevet rank on such officers of the army or of the marine corps, as shall have served ten years in any one grade, shall be, and the same hereby is, repealed; and so much of the second section of an act passed the sixteenth of April, one thousand eight hundred and eighteen, entitled "An act regulating the pay and emoluments of brevet officers," as may be applicable to the clause herein above repealed, shall be, and the same hereby is, also repealed: *Provided*, Nothing herein shall affect any right already acquired by ten years' expired service to brevet rank.

Proviso.

All acts inconsistent with this repealed.

SEC. 10. *And be it further enacted*, That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

[*Approved*, *June* 30, 1834.]

CHAPTER 166.

An act making certain allowances, and granting certain arrearages to the captains and subalterns of the United States corps of Marines.

Act of March, 1827, extended to marine corps.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the passage of this act, the secretary of the navy be, and he is hereby, authorized to extend the benefits of the act of March, one thousand eight hundred and twenty-seven, entitled "An act giving certain compensation to the captains and subalterns of the army of the United States in certain cases,"† to the captains and subalterns of the corps of United States marines under similar cases.

Arrearage of pay to be allowed accordingly.

SEC. 2. *And be it further enacted*, That the secretary of the Navy be, and he is hereby, authorized to cause to be settled by

*See chapter, 78 and 116. †See chapter 140.

the proper accounting officers of the department all arrearages of pay and allowances which shall be found due the said captains and subalterns of the United States corps of marines from the period at which the act of March, one thousand eight hundred and twenty-seven, above referred to, went into operation, up to the passage of this act; and that the same be paid out of any moneys in the treasury not otherwise appropriated.

[*Approved, June* 30, 1834.]

CHAPTER 167.

An act making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, for the year one thousand eight hundred and thirty-five.

[EXTRACT.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated, for carrying on and completing, certain works heretofore commenced.

Provided, That no officer of the army shall receive any per cent. or additional pay, extra allowance, or compensation, in any form whatever, on account of the disbursing any public money appropriated by law during the present session, for fortifications, execution of surveys, works of internal improvement, building of arsenals, purchase of public supplies of any description, or for any other service or duty whatsoever, unless authorized by law.* Proviso.

[*Approved, March* 3, 1835.]

CHAPTER 168.

An act to render permanent the present mode of supplying the army of the United States, and fixing the salary of certain clerks therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the seventh, eighth, ninth, and tenth sections of the act entitled "An act regulating the staff of the army," passed Sections of act of April 14, 1818, continued in force.

*The restriction imposed by this proviso, on allowances for the disbursing of public money, being limited to appropriations made at the session of its enactment, and the prohibition not having been re-enacted at any subsequent session, it is considered inoperative as to all other appropriations.

April fourteenth, eighteen hundred and eighteen,* be and the same are hereby, continued in force until repealed by Congress.

Compensation to officers.

SEC. 2. *And be it further enacted*, That the principal clerk in the office of the commissary-general of subsistence shall receive the annual sum of sixteen hundred dollars, one of the other clerks the sum of twelve hnndred dollars, and the other clerk the sum of one thousand dollars, to be paid for the year eighteen hundred and thirty-five out of any money in the treasury not otherwise appropriated.

[*Approved, March* 3, 1835.]

CHAPTER 169.

An act making appropriations for the payment of the revolutionary and other pensioners of the United States, for the year one thousand eight hundred and thirty-six.

[EXTRACT.]

Bank notes; how and when receivable.

SEC. 2. *And be it further enacted*, That hereafter, no bank notes of less denomination than ten dollars, and that from and after the third day of March, anno Domini, eighteen hundred and thirty-seven, no bank note of less denomination than twenty dollars shall be offered in payment in any case whatsoever in which money is to be paid by the United States or the post office department, nor shall any bank note, of any denomination be so offered, unless the same shall be payable, and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him: *Provided*, That nothing herein contained shall be construed to make any thing but gold or silver a legal tender by any individual, or by the United States.

[*Approved, April* 14, 1836.]

CHAPTER 170.

An act providing for the salaries of certain officers therein named, and for other purposes.

[EXTRACT.]

Clerks to be employed in the Department of war.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the secretary of war be, and he is hereby authorized to employ, for the discharge of the various duties of the department, the following clerks and messengers; one clerk at sixteen hundred dollars, and one clerk at fourteen hundred dol-

*See chapter 115.

lars; to be employed in the business of reservations and grants under Indian treaties: *Provided*, That the said clerks shall not be employed for a longer term than four years. Three clerks for the pension office at one thousand dollars each, to be continued only during the present year.

Proviso.

Clerks in the pension office.

Six clerks and one messenger, in the quartermaster-general's office, whose compensation shall be as follows; one clerk at sixteen hundred dollars, one clerk at twelve hundred dollars, four clerks at one thousand dollars each, and one messenger at five hundred dollars, one clerk for the ordnance office at twelve hundred dollars, and four clerks at one thousand dollars each. One clerk for the adjutant-general's office at twelve hundred dollars, and three clerks at one thousand dollars each. One clerk in the engineer office at twelve hundred dollars, and one clerk at one thousand dollars. One clerk in the commanding general's office at one thousand dollars. Six clerks and one messenger in the emigrating Indian bureau attached to the subsistence department, whose compensation shall be as follows: one clerk at sixteen hundred dollars, one clerk at fourteen hundred dollars, one clerk at twelve hundred dollars, three clerks at one thousand dollars each, and one messenger at five hundred dollars: *Provided*, That the authority claimed under the acts approved March twenty-eight, eighteen hundred and twelve,* and May twenty-second eighteen hundred and twelve,† or by any other act for the employment of non-commissioned officers, or the appointment of extra clerks in any of the offices of the war department be, and the same are hereby repealed: *Provided, however*, That where express appropriations are made by law, for the employment of clerks, such employment shall not be deemed to be extra, within the meaning of the above act.

In the quartermaster-general's office.

[*Approved, May* 9, 1836.]

CHAPTER 171.

An act explanatory of the act entitled "An act to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes."

Act of Jan. 1828 not to apply to pensions.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, the act entitled "An act to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes."‡ approved the twenty-fifth of January, eighteen hundred and twenty-eight, shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

[*Approved, May* 20, 1836.]

*See chapter 68. †Se chapter 75. ‡See chapter 142.

CHAPTER 172.

An act authorizing the President of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons or mounted riflemen.

President may accept the services of 10,000 volunteers, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he hereby is authorized to accept volunteers who may offer their services either as infantry or cavalry not exceeding ten thousand men, to serve six or twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged; and the said volunteers shall furnish their own clothes, and, if cavalry, their own horses, and when mustered into service, shall be armed and equipped at the expense of the United States.

To do military duty, &c.

SEC. 2. *And be it further enacted*, That the said volunteers shall be liable to be called upon to do military duty only in cases of Indian hostilities, or to repel invasions, whenever the President shall judge proper, and when called into actual service and while remaining therein, shall be subject to the rules and articles of war, and shall be in all respects, except as to clothing, placed on the same footing with similar corps of the United States army and in lieu of clothing every non-commissioned officer and private, in any company, who may thus offer themselves, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.

To be received in companies, &c.

SEC. 3. *And be it further enacted*, That the said volunteers, so offering their services, shall be accepted by the President in companies, battalions, squadrons, regiments, brigades, or divisions, whose officers shall be appointed in the manner prescribed by law in the several states and territories, to which such companies, battalions, squadrons, regiments, brigades, or divisions, shall respectively belong: *Provided*, That, where any company, battalion, squadron, regiment, brigade, or division, of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, squadron, regiment, brigade, or division, shall continue to be commanded by the officers holding commissions in the same, at the time of such tender; and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the state or territory wherein the said company, battalion, squadron, regiment, brigade or division, shall have been originally raised.

Proviso.

To be organized by the President.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to organize companies, so tendering their services, into battalions or squadrons, battalions or squadrons into regiments, regiments into brigades, and brigades into divisions, as soon as the number of volunteers shall render such organization in his judgment expedient; and the President shall, if necessary, apportion the

staff, field and general officers among the respective states or territories from which the volunteers shall tender their services as he may deem proper; but, until called into actual service, such companies, battalions, squadrons, regiments, brigades or divisions shall not be considered as exempt from the performance of militia duty as if required by law, in like manner as before the passage of this act.

To be entitled to benefits, &c.

SEC. 5. *And be it further enacted*, That the volunteers who may be received into the service of the United States, by virtue of the provisions of this act, shall be entitled to all the benefits which may be conferred on persons wounded in the service of the United States.

A regiment of dragoons to be organized.

SEC. 6. *And be it further enacted*, That there shall be raised and organized, under the direction of the President of the United States, one additional regiment of dragoons or mounted riflemen, to be composed of the same number and rank of the officers, non-commissioned officers, musicians and privates, composing the regiment of dragoons now in the service of the United States, who shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects whatever as are stipulated for the said regiment of dragoons now in service.*

President may disband.

$300,000 appropriated.

SEC. 7. *And be it further enacted*, That the President of the United States may disband the said regiment, whenever in his opinion, the public interest no longer requires their services; and that the sum of three hundred thousand dollars, required to carry into effect the provisions of this act is hereby appropriated, out of any money in the treasury not otherwise appropriated.

Act to remain in force two years.

SEC. 8. *And be it further enacted*, That so much of this act as relates to volunteers shall be in force for two years from and after the passage of this act, and no longer.

[*Approved, May* 23, 1836.]

CHAPTER 173.

An act to establish an arsenal of construction in the State of North Carolina.

$45,000 for purchase of a site and for building.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the sum of forty-five thousand dollars be, and the same is hereby appropriated, from any money in the treasury, not otherwise appropriated, towards the purchase of a site and the building of an arsenal of deposite and general construction, near the town of Fayetteville, in the State of North Carolina.

[*Approved, June* 14, 1836.]

*See chapter 160.

CHAPTER 174.

"An act to provide for the better protection of the Western frontier."

President to cause a military road to be surveyed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President be, and he is hereby, authorized to cause to be surveyed and opened, a military road, from some point upon the right bank of the Mississippi river, between the mouth of the St. Peter's and the mouth of the Desmoines river, upon such route as may appear best calculated to effect the purposes of the act, to Red River.

To pass west of Missouri and Arkansas, on condition, &c.

SEC. 2. *And be it further enacted*, That the said road shall pass west of the state of Missouri and of the territory of Arkansas, on condition that the assent of the Indian tribes who have not heretofore given their assent, through whose territory said road is to pass, shall be first obtained; and if such assent cannot be obtained, then east of the western boundaries of said state and territory: and shall be so constructed as to enable troops to move along the same with proper facility. And the following mode of construction shall be adopted, subject to such alterations and additions as the President may, from time to time direct to be made. The timber shall be cut down to a reasonable width, and the wet and marshy places shall be causewayed or otherwise rendered passable; cheap bridges shall be erected over the smaller streams, not having good fords across them; and, where it may be found necessary, the road may be thrown up in the centre.

Military posts to be established.

SEC. 3. *And be it further enacted*, That the military posts shall be constructed at such place along the said road as in the opinion of the President, may be most proper for the protection of the frontier, and for the preservation of the necessary communication.

Troops U. S. may be employed in the labor, &c.

SEC. 4. *And be it further enacted*, That the troops of the United States shall be employed in performing the labor herein required, whenever, in the opinion of the President, the same can be done with a just regard to their other duties; and the other labor rendered necessary shall be procured in such manner as the President may direct.

$100,000.

SEC. 5. *And be it further enacted*, That the sum of one hundred thousand dollars shall be, and the same is hereby, appropriated, to be applied towards the accomplishment of the objects specified by this act.

[*Approved, July* 2, 1836.]

CHAPTER 175.

"An act to authorize the appointment of additional paymasters, and for other purposes."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be and he hereby is authorized and empowered to appoint three additional paymasters, to be attached to the pay department of the army: *Provided,* That the appointments be submitted to the Senate for their confirmation, in the same manner as other officers of the army.

President may appoint three additional paymasters.

Proviso.

SEC. 2. *And be it further enacted,* That the officers appointed in virtue of this act shall perform the same duties and receive the same pay and allowances as the present paymasters of the army; and shall in like manner be subject to the rules and articles of war; and previous to entering upon the duties of their office shall give such bonds to the United States as the Secretary of War may direct for the faithful performance of their duties.

To perform the same duties and be subject to the same rules as other paymasters.

SEC. 3. *And be it further enacted,* That when volunteers or militia are called into service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality it shall be lawful for the President to assign to any officer of the army the duty of paymaster, who, while so assigned shall perform the same duty, give the same bond, be subject to the same liability and receive the same emoluments as are now provided for paymasters of the army: *Provided however,* That the number of officers so assigned shall not exceed one for every two regiments of militia or volunteers; *And provided also,* That the whole emoluments of the said officers, including their pay and allowances in the line, shall not exceed the pay and emoluments of a paymaster.

President, when necessary, may assign the duties of a paymaster to any officer of the army.

Proviso.

Proviso.

SEC. 4. *And be it further enacted,* That the President of the United States be and he hereby is authorized and empowered to appoint three additional surgeons and five assistant surgeons, to be attached to the medical staff of the army.

May appoint additional surgeons and assistant surgeons.

SEC. 5. *And be it further enacted,* That during the absence of the quartermaster-general, or the chief of any other military bureau of the War Department, the President be authorized to empower some officer of the Department or corps whose chief is absent to take charge thereof and to perform the duties of quartermaster-general or chief of the Department or corps, as the case may be during such absence: *Provided,* That no additional compensation be allowed therefor.

In absence of the quartermaster-general, &c. President may empower others to perform the duties.

Proviso.

SEC. 6. *And be it further enacted,* That it shall be the duty of the Secretary of the Senate and Clerk of the House of Representatives as soon as may be after the close of the present session, and of each succeeding session, to prepare and publish a statement of all appropriations made during the session, and

Secretary of the Senate, and Clerk of the House of Representatives to prepare and publish statements

of appropriations, &c.

also a statement of the new officers created and the salaries of each, and also a statement of the officers the salaries of which are increased and the amount of such increase.

[*Approved, July* 4, 1836.]

CHAPTER 176.

An act for the purchase of certain rights or inventions of Captain Wm. H. Bell, of North Carolina.

$20,000 to be paid to him for his interest in two patent rights.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary of the Treasury be hereby authorized to pay to Captain William H. Bell, out of any money in the Treasury not otherwise appropriated, the sum of twenty thousand dollars, whenever said Bell shall transfer and convey to the United States all his, said Bell's, right, interest, and title, in and to two certain patents, viz: one called a machine for elevating heavy cannon, the other called a traverse board for pointing cannon; together with all the right to the United States to use every improvement that has been made by said Bell on the said inventions, since patenting the same: *Provided however,* That said sum of twenty thousand dollars shall be in full for all claims against the United States for using said patents.

[*Approved, July* 4, 1836.]

CHAPTER 177.

"An act to provide for the payment of horses, and other property lost or destroyed in the military service of the United States.*"

Officers and others to be paid the value of horses lost.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalry, engaged in the military service of the United States since the eighteenth of June, eighteen hundred and twelve, or who shall hereafter be in said service, and has sustained or shall sustain damage, without any fault or negligence on his part, while in said service, by the loss of a horse in battle or by the loss of a horse wounded in battle, and which has died or shall die of said wound or being so wounded shall be abandoned by order of his officer and lost; or shall sustain damage by the loss of any horse by death, or abandonment, in consequence of the United States failing to supply

* See supplementary act, chap. 178.

sufficient forage, or because the rider was dismounted and separated from his horse, and ordered to do duty on foot at a station detached from his horse; or when the officer in the immediate command ordered or shall order the horse turned out to graze in the woods, prairies, or commons, because the United States failed or shall fail to supply sufficient forage, and the loss was or shall be consequent thereof; or for the loss of necessary equipage, in consequence of the loss of his horse as aforesaid, shall be allowed and paid the value thereof: *Provided*, That if any payment has been, or shall be, made to any one aforesaid, for the use and risk, or for forage after the death, loss or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied or shall satisfy the paymaster at the time he made or shall make the payment, or thereafter show, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot: *And provided, also*, If any payment shall have been, or shall hereafter be, made to any person above mentioned, on account of clothing, to which he was not entitled by law, such payment shall be deducted from the value of his horse or accoutrements.

Proviso.

Further proviso.

Sec. 2. *And be it further enacted*, That any person who, in the said military service as a volunteer, or draughted militiaman, furnished or shall furnish himself with arms and military accoutrements, and sustained or shall sustain damage by the capture or destruction of the same, without any fault or negligence on his part, or who lost or shall lose the same by reason of his being wounded in the service, shall be allowed and paid the value thereof.

Volunteers or draughted militiamen to be allowed for arms, &c. lost.

Sec. 3. *And be it further enacted*, That any person who sustained or shall sustain damage by the loss, capture, or destruction by an enemy, of any horse, mule or wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction, was without any fault or negligence on the part of the owner; and any person who, without any such fault or negligence, sustained or shall sustain damage by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, shall be allowed and paid the value thereof.

Payment for horses, mules, wagons, &c.

Sec. 4. *And be it further enacted*, That the claims provided for under this act shall be adjusted by the third Auditor, under such rules as shall be prescribed by the Secretary of War under the direction or with the assent of the President of the United States; as well in regard to the receipt of applications of claimants, as the species and degree of evidence, the manner in which such evidence shall be taken and authenticated, which rules shall be such as, in the opinion of the President, shall be

Claims to be adjusted by third Auditor, under rules prescribed by Secretary of War, &c.

best calculated to obtain the object of this act, paying a due regard, as well to the claims of individual justice as to the interests of the United States, which rules and regulations shall be published for four weeks in such newspapers in which the laws of the United States are published, as the Secretary of War shall direct.

Rules, &c. to be published.

Entry of all adjudications to be made; claimants to be paid on producing certified copies thereof.

SEC. 5. *And be it further enacted*, That in all adjudications of said Auditor upon the claims above mentioned, whether such judgment be in favor of, or adverse to, the claim shall be entered in a book provided by him for that purpose, and under his direction; and when such judgment shall be in favor of such claim, the claimant, or his legal representative, shall be entitled to the amount thereof upon the production of a copy thereof certified by said Auditor at the Treasury of the United States.

Payment for losses by minors to be made to parents or guardians.

SEC. 6. *And be it further enacted*, That in all instances where any minor has been, or shall be, engaged in the military service of the United States, and was or shall be provided with a horse or equipments, or with military accoutrements, by his parent or guardian, and has died or shall die without paying for said property, and the same has been or shall be lost, captured, destroyed, or abandoned in the manner before mentioned, said parent or guardian shall be allowed pay therefor on making satisfactory proof as in other cases, and the further proof that he is entitled thereto by having furnished the same.

Persons other than minors to be paid for property risked by them which has been lost.

SEC. 7. *And be it further enacted*, That in all instances where any person other than a minor, has been or shall be engaged in the military service aforesaid, and has been or shall be provided with a horse or equipments, or with military accoutrements by any person, the owner thereof, who has risked or shall take the risk of such horse equipments or military accoutrements on himself, and the same has been or shall be lost, captured, destroyed, or abandoned in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof as in other cases, and the further proof that he is entitled thereto, by having furnished the same, and having taken the risk on himself.

Acts of 19th February, 1833, and 30th June, 1834, repealed.

SEC. 8. *And be it further enacted*, That the act passed on the nineteenth of February, eighteen hundred and thirty-three, entitled "An act for the payment of horses and arms lost in the military service of the United States against the Indians on the frontier of Illinois and Michigan Territory," and an act passed on the thirtieth of June, eighteen hundred and thirty-four, entitled "An act to provide for the payment of claims for property lost, captured or destroyed by the enemy, while in the military service of the United States, during the late war with the Indians on the frontier of Illinois and Michigan Territory," be and the same are hereby, repealed.

Limitation of act.

SEC. 9. *And be it further enacted*, That this act shall be and remain in force until the close of the next session of Congress.

[*Approved, January* 18, 1837.]

CHAPTER 178.

An act to amend an act entitled "An act to provide payment for horses and other property lost in the military service of the United States."*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That any person who has turned over to the service of the United States his horse, saddle, bridle, or equipments, by the order of the commanding general, or other commanding officer, shall be paid the value thereof: That the claims provided for under this act shall be adjusted by the third Auditor, under such rules as shall be prescribed by the Secretary of War, with the assent of the President. This act, and the act to which this is an amendment, shall extend to mules as well as to horses. Decisions under this act shall be recorded as they are required to be recorded by the act aforesaid, and payment shall be made as is required by that act. This act shall extend to cases where any person mentioned in the act to which this is an amendment shall have died in the service, and his horse, saddle, bridle, or equipments, shall have been turned over to an officer, or other person for the benefit of the United States, by order of the officer commanding, and not restored to the representative of the deceased, or paid for by the United States.

[*Approved, October* 16, 1837.]

CHAPTER 179.

An act to increase the present military establishment of the United States, and for other purposes†.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there shall be added to each of the four regiments of artillery, one company, to be organized in the same manner, as authorized by existing laws, with the exceptions hereafter mentioned; that there be added to every company of artillery sixteen privates, and to every company of infantry one sergeant and thirty-eight privates, and that the number of second lieutenants of a company of artillery be reduced to one, and that this reduction be so made in connection with the appointment of officers to the four additional companies authorized as aforesaid, and the transfer to the Ordnance Department hereafter directed, that all the present second lieutenants shall be retained in service, and there shall be raised and organized under the di-

One company to be added to each regiment of artillery, the companies of artillery and infantry to be augmented, and one additional regiment of infantry to be raised and organized.

*See chap. 177.

† When this compilation had progressed thus far, it was suspended with the view of introducing such acts relating to the army as might be passed during the then existing session of Congress. That circumstance will account to the reader for this chapter not being referred to in the notes to the preceding chapters, and especially under the head of chapter 128, act of 2d March, 1821, which still forms the basis of the military establishment.

rection of the President of the United States, one regiment of infantry, to be composed of the same number and rank of officers, non-commissioned-officers, musicians, and privates, composing the regiments of infantry now in the service of the United States, who shall receive the same pay and allowances, and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act.

1 Lieut. Colonel, 2 Majors, 6 Captains, 6 1st and 6 second Lieutenants, to be added to the corps of Engineers:

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to add to the corps of engineers, whenever he may deem it expedient to increase the same, one lieutenant colonel, two majors, six captains, six first and six second lieutenants; and that the pay and emoluments of the said corps shall be the same as those allowed to the officers of the regiments of dragoons.

Paymaster not to be taken from the corps of engineers; the one heretofore provided for, to be attached to the pay department.

SEC. 3. *And be it further enacted*, That so much of the act passed the twenty-ninth day of April, one thousand eight hundred and twelve, entitled "An act making further provision for the corps of engineers,"* as provides that one paymaster shall be taken from the subalterns of the corps of engineers, be, and the same is hereby repealed; and that the paymaster so authorized and provided be attached to the pay department, and be in every respect, placed on the footing of other paymasters of the army.

Corps of topographical engineers to be increased by regular promotion therein.

SEC. 4. *And be it further enacted*, That the corps of topographical engineers shall be organized and increased by regular promotions in the same, so that the said corps shall consist of one colonel, one lieutenant colonel, four majors, ten captains, ten first lieutenants, and ten second lieutenants.

Vacancies created by the organization, to be filled by appointments from the army, and from the civil engineers in service.

SEC. 5. *And be it further enacted*, That vacancies created by said organization, over and above those which can be filled by the present corps, shall be taken from the army, and from such as it may be deemed advisable of the civil engineers employed under the act of the thirtieth of April, eighteen hundred and twenty-four; that the pay and emoluments to the officers of said corps shall be the same as are allowed to officers of similar rank in the regiments of dragoons.

Authority to employ civil engineers repealed.

SEC. 6. *And be it further enacted*, That the authority to employ civil engineers, in the act of the thirtieth of April, eighteen hundred and twenty-four, be and the same is hereby repealed after the passage of this act.

President authorized to appoint two assistant adjutants general, with the brevet rank of major, and four with the brevet rank of captain.

SEC. 7. *And be it further enacted*, That the President of the United States shall be and he is hereby, authorized to appoint so many assistant adjutants general, not exceeding two, with the brevet rank, pay, and emoluments of a major, and not exceeding four with the brevet rank, pay and emoluments of a captain of cavalry, as he may deem necessary; and that they shall be taken from the line of the army, and in addition to their own, shall perform the duties of the assistant inspectors general when the circumstances of the service may require.

*See chapter 70.

SEC. 8. *And be it further enacted*, That the officers to be taken from the line and transferred to the staff, under the last preceding section, shall receive only the pay and emoluments attached to their rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line, according to their said rank and seniority; which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

The assistant adjutants general shall only receive the pay of their staff rank, and shall retain their rank and promotion in the line.

SEC. 9. *And be it further enacted*, That the President of the United States be and he is hereby authorized, by and with the advice and consent of the Senate, to add to the quartermaster's department not exceeding two assistant quartermasters general with the rank of colonel, two deputy quartermasters general with the rank of lieutenant colonel, and eight assistant quartermasters with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized; and that the pay and emoluments of the officers of the quartermaster's department shall be the same as are allowed to officers of similar rank in the regiments of dragoons: *Provided*, That all appointments in the quartermaster's department shall be made from the army; and when officers taken for such appointments hold rank in the line, they shall thereupon relinquish said rank, and be separated from the line of the army;* and that promotion in said department shall take place as in regiments and corps.

The President authorized to add to the quartermaster's department, two assistant quartermasters' general, two deputies, and eight assistant quartermasters. The appointments to be made from the army, and rank in line to be relinquished. The officers of the department to have dragoon pay, and promotion to take place therein as in regiments and corps.

SEC. 10. *And be it further enacted*, That the quartermaster general be and he is hereby authorized, from time to time, to employ as many forage-masters and wagon-masters as he may deem necessary for the service, not exceeding twenty in the whole, who shall be entitled to receive, each forty dollars per month, and three rations per day, and forage for one horse; and neither of whom shall be interested or concerned, directly or indirectly, in any wagon or other means of transport employed by the United States, nor in the purchase or sale of any property procured for or belonging to the United States, except as an agent for the United States.

The quartermaster general authorized to employ, from time to time, not exceeding twenty forage and wagon-masters, who are not to deal in articles of supply, except as public agents.

SEC. 11. *And be it further enacted*, That there be added to the commissariat of subsistence one assistant commissary general of subsistence with the rank, pay and emoluments of a lieutenant colonel of cavalry; one commissary of subsistence with the rank, pay and emoluments of a quartermarter of the army; and three commissaries of subsistence, with the rank, pay, and emoluments of assistant quartermasters.

One assistant commissary general, and four commissaries to be added to the subsistence department.

SEC. 12. *And be it further enacted*, That the stewards of hospitals at posts of more than four companies be hereafter allowed the pay, clothing and rations of a sergeant of ordnance; and, at all other posts, the pay, clothing and rations of the first sergeant of a company of infantry.

Stewards of hospitals to be allowed the compensation of sergeants of ordnance and of infantry.

*See supplementary act, chapter 180.

Two majors to be added to the ordnance department, and ten first and ten second lieutenants to be transferred from the artillery—officers to have the same pay as those of dragoons.

SEC. 13. *And be it further enacted*, That the President of the United States be and he is hereby authorized to add to the ordnance department, whenever he may deem it expedient to increase the same, by and with the advice of the Senate, two majors, and that he be further authorized to transfer ten first lieutenants and ten second lieutenants from the artillery to the ordnance department,* and that the pay and emoluments of the officers of the said department shall be the same as those allowed to the officers of the regiment of dragoons.

Ordnance officers commanding detachments equal to a company of artillery, to have the additional pay allowed to command's of companies for their responsibility for arms, clothing, &c.

SEC. 14. *And be it further enacted*, That so much of the fourth section of the act passed fifth of April, eighteen hundred and thirty-two, for the organization of the ordnance department,† as authorizes the officers of ordnance, to receive the same pay and emoluments now allowed artillery officers, shall be construed to include the ten dollars per month additional pay to every officer in the actual command of a company, as compensation for the duties and responsibilities with respect to clothing, arms, and accoutrements of the company, under the authority of the second section of the act passed second of March, eighteen hundred and twenty-seven, giving further compensation to the captains and subalterns of the army of the United States in certain cases :‡ *Provided*, That the officers of the ordnance department claiming the compensation for such duties and responsibilities shall have been actually in the command of enlisted men of the ordnance equal to a company of artillery and thereby incurred the aforesaid responsibilities.

All officers of the line and staff, except generals, entitled to one additional ration for every five years service.

SEC. 15. *And be it further enacted*, That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served, or shall serve in the army of the United States: *Provided*, That, in certain cases where officers are entitled to and receive double rations, the additional one allowed in this section shall not be included in the number to be doubled.‖

Enlistments in the army to be for five years—monthly pay increased and part retained until expiration of term of service.

SEC. 16. *And be it further enacted*, That from and after the passage of this act, all enlistments in the army of the United States shall be for five years, and that the monthly pay of non-commissioned officers and soldiers shall be as follows: to each sergeant major, quartermaster sergeant, and chief musician, seventeen dollars; to each first sergeant of a company, sixteen dollars; to all other sergeants, thirteen dollars; to each artificer, eleven dollars; to each corporal, nine dollars; and to each musician and private soldier, eight dollars; *Provided*, that two dollars per month of said pay be retained until the expiration of his term of service.

Six pounds of coffee and twelve pounds of sugar

SEC. 17. *And be it further enacted*, That the allowance of sugar and coffee to the non-commissioned officers, musicians,

*See supplementary act, chapter 180. †See chapter 150.
‡See chapter 140. ‖See supplementary act, chapter 180.

and privates, in lieu of the spirit or whiskey, component part of the army ration, now directed by regulation, shall be fixed at six pounds of coffee and twelve pounds of sugar to every one hundred rations, to be issued weekly when it can be done with convenience to the public service, and, when not so issued, to be paid for in money.

for every one hundred rations, allowed in lieu of the whiskey part of the army ration—to be issued weekly, or paid for in money.

SEC. 18. *And be it further enacted*, That it shall be lawful for the officers composing the council of administration at any post, from time to time, to employ such person as they may think proper to officiate as chaplain, who shall also perform the duties of schoolmaster at such post; and the person so employed shall, on the certificate of the commanding officer of the post, be paid such sum for his services, not exceeding forty dollars per month, as may be determined by the said council of administration, with the approval of the Secretary of War; and, in addition to his pay, the said chaplain shall be allowed four rations per diem, with quarters and fuel.*

The council of administration at any post authorized to employ a person to officiate as chaplain and schoolmaster—pay not to exceed forty dollars per month and four rations per day, with quarters and fuel.

SEC. 19. *And be it further enacted*, That an additional professor be appointed to instruct in the studies of chemistry, mineralogy, and geology, with the pay and emoluments now allowed to the professor of mathematics; and that the Secretary of War may assign to the said professor an assistant, to be taken from the officers of the line or cadets; which assistant professor will receive the pay and emoluments allowed to other assistant professors.

An additional professor to be appointed, with the compensation of the professor of mathematics, an assistant to be detailed from the line or cadets.

SEC. 20. *And be it further enacted*, That whenever suitable non-commissioned officers or privates cannot be procured from the line of the army to serve as paymasters' clerks, paymasters be, and hereby are authorized and empowered by and with the approbation of the Secretary of War, to employ citizens to perform that duty, at salaries not to exceed five hundred dollars per annum, each.

When suitable non-commissioned officers cannot be procured to do the duty of paymasters' clerks, citizens may be employed at salaries not exceeding $500 each.

SEC. 21. *And be it further enacted*, That all letters and packages on public business, to and from the commanding general, the colonel of ordnance, the surgeon general, and the head of the topographical corps, shall be free from postage.

The franking privilege to be extended to the com. gen. col. of ordn., surg. gen. and head of the topog'al. corps.

SEC. 22. *And be it further enacted*, That the President shall be and he is hereby authorized, whenever he may deem the same expedient, to cause not exceeding two of the regiments of infantry to be armed and equipped and to serve as a regiment of riflemen, and one other of the regiments of infantry to be armed and equipped, and to serve as a regiment of light infantry.

The Pres'nt authorized to cause two of the reg. of inf. to be armed and equipped as riflemen, and one other as light infantry.

SEC. 23. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, shall be and the same are hereby repealed.

All acts inconsistent with the provisions of this act, repealed.

SEC. 24. *And be it further enacted*, That hereafter the officers of the pay and medical departments of the army shall re-

Officers of the pay and medical

*See supplementary act, chapter 180, by which the number of chaplains is limited to twenty.

departments, to receive the pay of cavalry officers.

ceive the pay and emoluments of officers of cavalry of the same grades respectively, according to which they are now paid by existing laws.

When the regular paymasters cannot pay the militia and volunteers in service, the President may appoint, temporarily, additional paymasters, not exceeding one for every two regiments.

SEC. 25. *And be it further enacted*, That when volunteers or militia are called into the service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality, it shall be lawful for the President to appoint as many additional paymasters as he shall deem necessary, who shall perform the same duty, give the same bond, be subject to the same liability; and receive the same pay and emoluments, as are now provided for paymasters of the army: *Provided, however*, That the number so appointed shall not exceed one for every two regiments of militia or volunteers: *And provided, also*, That the persons so appointed shall continue in service only so long as their services are required to pay militia and volunteers.

Ordnance storekeepers designated as paymasters, to be allowed the pay of captain of ordnance.

SEC. 26. *And be it further enacted*, That the compensation hereafter to be allowed to such ordnance storekeepers as shall be designated as paymasters, shall not exceed the pay and emoluments of a captain of ordnance.

Officers of engineers to make disbursements for fortifications or other public works, and may be allowed two dollars per diem, not to exceed one per cent. on the sum disbursed.

SEC. 27. *And be it further enacted*, That it shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; and as a compensation therefor, may be allowed by the Secretary of War at the rate of two dollars per diem, during the continuance of such disbursements: *Provided*, That the whole amount of emolument shall not exceed one per cent. on the sum disbursed.*

Cadets to engage to serve eight years.

SEC. 28. *And be it further enacted*, That the term for which cadets hereafter admitted into the Military Academy at West Point shall engage to serve, be, and the same is hereby, increased to eight years, unless sooner discharged.

Three months extra pay, in lieu of the present bounty, to be allowed to soldiers who re-enlist two months before, or 1 month after the expiration of their term of service; and 160 acres of land allowed for ten consecutive years of faithful service.

SEC. 29. *And be it further enacted*, That, in lieu of the bounty now provided by law for re-enlistment, every able-bodied non-commissioned officer, musician, or private soldier, who may re-enlist into his company or regiment within two months before, or one month after the expiration of his term of service, shall receive three months' extra pay; and also any non-commissioned officer or soldier who shall have served ten consecutive years, and shall obtain from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, shall be allowed one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner and upon such conditions as may be provided by law; which

*See supplementary act, chapter 180, by which the provisions of this section, respecting compensation, are repealed.

land shall be patented to the soldier or his heirs, and be not assignable until patented.*

Acts fixing the height of recruits at 5 feet 6 inches repealed.

SEC. 30. *And be it further enacted*, That so much of the eleventh section of the act of the sixteenth March, eighteen hundred and two,† and so much of the fifth section of the act of the twelfth of April, eighteen hundred and eight,‡ as fix the height of enlisted men at five feet six inches, be and the same are hereby repealed.

Officers of the army shall not be separated from their regiments and corps and be employed on civil works, nor be allowed to engage in the service of incorporated companies—nor act as paymaster or disbursing agent of the Indian department. Those so employed at present to be withdrawn within one year.

SEC. 31. *And be it further enacted*, That the officers of the army shall not be separated from their regiments and corps for employment on civil works of internal improvement, or be allowed to engage in the service of incorporated companies; and no officer of the line of the army shall hereafter be employed as acting paymaster, or disbursing agent for the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper: *Provided*, That where officers of the army are now employed on civil works or in the Indian or pay departments as contemplated in this section, they may be continued therein not exceeding one year, unless the convenience of the service will admit of their withdrawal sooner.

Superintendents of the armories at Springfield and Harper's Ferry, to be allowed 1,500 dollars, and rations, quarters and fuel, as at present. Master armorers $1,200 and fuel and quarters.

SEC. 32. *And be it further enacted*, That the superintendents of the armories at Springfield and Harper's Ferry shall hereafter receive each the sum of fifteen hundred dollars, and rations, fuel, and quarters, as at present authorized; and that the master armorers of the same shall each receive the sum of twelve hundred dollars, and fuel, and quarters, as at present authorized; and that the aforesaid sums and allowances to the officers aforesaid shall be in full compensation for their services respectively.

President authorized to appoint seven additional surgeons.

SEC. 33. *And be it further enacted*, That the President be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint seven additional surgeons; and that the officers whose appointment is authorized in this section, shall receive the pay and allowances of officers of the same grades respectively.

[*Approved, July* 5, 1838.]

CHAPTER 180.

An act supplementary to an act entitled "An act to increase the present Military establishment of the United States, and for other purposes," approved July fifth, eighteen hundred and thirty-eight.‖

Original act explained, limited and modified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

*See supplementary act, chapter 180, which repeals the grant of land.
†See chapter 49. ‡See chapter 57. ‖See preceding chapter.

the act to which this is a supplement shall be, and the same hereby is, explained, limited, and modified, as follows:

Back rations not to be allowed for time past.

First. Nothing contained in said act shall be so construed as to allow any officer additional rations for time past, commonly called back rations.

Number of chaplains limited to twenty—to be approved by Secretary of War.

Second. The posts at which chaplains shall be allowed shall be limited to the number of twenty, and shall be approved by the Secretary at War, and shall be confined to places most destitute of instruction.

Assistant quartermasters not to be separated from the line.

Third. That so much of said act as requires assistant quartermasters to be separated from the line, shall be, and the same is hereby, repealed.

The number of ordnance lieuts. limited to twelve.

Fourth. That the number of lieutenants authorized by said act to be added and transferred to the Ordnance Department, shall be limited to twelve.

Monthly pay of privates fixed at $7; $1 to be retained till discharged.

Fifth. That the monthly pay of a private soldier, raised by said act to eight dollars, shall be limited and fixed at seven dollars a month; one dollar thereof shall be retained, as provided for in said act.

Compensation to engineer officers, for disbursing money, withdrawn.

Sixth. That no compensation shall be allowed to officers of the Engineer Department for disbursement of public money, while superintending public works.

Commissaries not to be separated from the line.

Seventh. That the three commissaries of subsistence authorized by said act, shall not be separated from the line of the army.

Provision for bounty land repealed.

Eighth. That so much of said act as allows one hundred and sixty acres of land to soldiers who shall have served ten consecutive years be, and the same is hereby, repealed.

Additional ration for five years service, allowed to Paymaster General and Surgeon General.

Ninth. That the said act shall be so construed as to allow the Paymaster General and Surgeon General of the army, the additional rations therein granted to officers of the line and staff for every five years' service.

[*Approved, July 7*, 1838.]

CHAPTER 181.*

Resolutions, expressive of the sense of Congress of the gallantry and good conduct with which the reputation of the arms of the United States has been sustained by major-general Brown, major-general Scott, major-general Porter, major-general Gaines, major-general Macomb, and brigadiers Ripley and Miller.

The thanks of Congress to Gen. Brown, his officers and men, for their gallantry, &c. at Chippewa, Niagara, and Erie, &c.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the thanks of Congress be, and they are hereby, presented to major-general Brown, and, through him, to the officers and men, of the regular army, and of the militia, under his command, for their gallantry and good conduct in the successive battles of Chippewa, Niagara, and Erie, in Upper Canada, in which

*The resolutions which constitute this and the two succeeding chapters, though they do not come within the original design of the work, are nevertheless deemed highly worthy of a place in conclusion, and are therefore, inserted here.

British veteran troops were beaten and repulsed by equal or inferior numbers; and that the President of the United States be requested to cause a gold medal to be struck, emblematical of these triumphs, and presented to major-general Brown. A gold medal to Gen. Brown.

Resolved, That the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to major-general Scott, in testimony of the high sense entertained by Congress of his distinguished services in the successive conflicts of Chippewa, and Niagara, and of his uniform gallantry and good conduct in sustaining the reputation of the arms of the United States. A gold medal to Gen. Scott, &c.

Resolved, That the President of the United States be requested to cause gold medals to be struck, with suitable emblems and devices, and presented to brigadier-general Ripley, brigadier-general Miller, and major-general Porter, in testimony of the high sense entertained by Congress of their gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Erie. Gold medals to Gens. Ripley, Miller, and Porter, &c.

Resolved, That the thanks of Congress be, and they are hereby, presented to major-general Gaines, and, through him, to the officers and men under his command, for their gallantry and good conduct, in defeating the enemy at Erie on the fifteenth of August; repelling, with great slaughter, the attack of a British veteran army, superior in number; and that the President of the United States be requested to cause a gold medal to be struck, emblematical of this triumph, and presented to major-general Gaines. A gold medal to Gen. Gaines.

Resolved, That the thanks of Congress be, and they are hereby, presented to major-general Macomb, and, through him to the officers and men of the regular army under his command, and to the militia and volunteers of New York and Vermont, for their gallantry and good conduct in defeating the enemy at Plattsburg, on the eleventh of September; repelling, with one thousand five hundred men, aided by a body of militia and volunteers from New York and Vermont, a British veteran army, greatly superior in number; and that the President of the United States be requested to cause a gold medal to be struck, emblematical of this triumph, and presented to major-general Macomb. The thanks of Congress to Gen. Macomb, officers, and men, and to the militia, &c. A gold medal to Gen. Macomb.

[*Approved*, *November* 3, 1814.]

CHAPTER 182.

Resolutions expressive of the thanks of Congress to major-general Jackson, and the troops under his command, for their gallantry and good conduct in the defence of New Orleans.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the

The thanks of Congress to Gen. Jackson, officers, soldiers, militia, and volunteers, &c.

thanks of Congress be, and they are hereby, given to major-general Jackson, and, through him, to the officers and soldiers of the regular army, of the militia, and of the volunteers, under his command, the greater proportion of which troops consisted of militia and volunteers, suddenly collected together, for their uniform gallantry and good conduct, conspicuously displayed against the enemy, from the time of his landing before New Orleans, until his final expulsion therefrom; and particularly for their valor, skill, and good conduct, on the eighth of January last, in repulsing, with great slaughter, a numerous British army, of chosen veteran troops, when attempting, by a bold and daring attack, to carry by storm the works hastily thrown up for the protection of New Orleans; and thereby obtaining a most signal victory over the enemy, with a disparity of loss, on his part, unexampled in military annals.

A gold medal to Gen. Jackson, &c.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to major-general Jackson, as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

The President requested to cause the preceding resolutions to be communicated to Gen. Jackson, &c.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to major-general Jackson, in such terms as he may deem best calculated to give effect to the objects thereof.

[*Approved, February* 27, 1815.]

CHAPTER 183.

Resolution directing medals to be struck, and, together with the thanks of Congress, presented to major-general Harrison and governor Shelby, and for other purposes.

Thanks of Congress to General Harrison and Governor Shelby, &c. for gallantry and good conduct in defeating the British and Indians on the Thames, &c.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the thanks of Congress be, and they are hereby, presented to major-general William Henry Harrison, and Isaac Shelby, late governor of Kentucky, and, through them, to the officers and men under their command, for their gallantry and good conduct in defeating the combined British and Indian forces under major-general Proctor, on the Thames, in Upper Canada, on the fifth day of October, one thousand eight hundred and thirteen, capturing the British army, with their baggage, camp equipage, and artillery; and that the President of the United States be requested to cause two gold medals to be struck, emblematical of this triumph, and presented to general Harrison, and Isaac Shelby, late governor of Kentucky.

Gold medals to them.

[*Approved, April* 4, 1818.]

CHAPTER 184.

Resolution presenting a gold medal to George Croghan, and a sword to each of the officers under his command, for their gallantry and good conduct, in the defence of Fort Stephenson, in eighteen hundred and thirteen.

Gold medal to be presented to Col. Croghan.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Colonel Croghan, in testimony of the high sense entertained by Congress of his gallantry and good conduct in the defence of Fort Stephenson, and that he present a sword to each of the following officers engaged in that affair: to Captain James Hunter, to the eldest male representative of Lieutenant Benjamin Johnston, and to Lieutenants Cyrus A. Baylor, John Meek, Ensign Joseph Duncan, and the nearest male representative of Ensign Edmund Shipp, deceased.

Swords to be presented to other officers.

[*Approved, February* 13, 1835.]

APPENDIX;

CONTAINING

Select Laws relating to the Militia of the United States.

CHAPTER I.

An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States.*

Every able bodied white male citizen, of the age of 18, and under 45 years, to be enrolled, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That each and every free able bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as is hereinafter excepted,) shall, severally and respectively, be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall, at all times hereafter, be the duty of every such captain or commanding officer of a company, to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or, being of the age of eighteen years and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds; and shall, without delay, notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket, or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or, with a good rifle, knapsack, shot pouch, and powder horn, twenty balls, suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred, and provided, when called out to exercise, or into service; except, that when called out on company days to exercise only, he may appear without a knap-

Duty of captains with respect to enrolling, &c.

Citizens enrolled, to provide themselves with arms and accoutrements in six months after enrolment, &c.

Militiamen to appear armed, &c. when called out to exercise, &c. except, &c.

*See additional act of 2d March, 1803, chapter 5, appendix, by which the provisions of this act are modified in some respects.

sack. That the commissioned officers shall, severally, be armed with a sword or hanger, and espontoon; and that, from and after five years from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required as aforesaid, shall hold the same exempted from all suits, distresses, executions, or sales, for debt, or for the payment of taxes.

Muskets to carry balls eighteen to the pound.

Arms, &c. free from distress, executions, &c.

Enumeration of officers and persons, who are exempt from militia duty under this act.

SEC. 2. *And be it further enacted*, That the vice-president of the United States; the officers, judicial and executive, of the government of the United States; the members of both houses of Congress and their respective officers; all custom-house officers, with their clerks; all post officers, and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners, actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are, or may hereafter be, exempted by the laws of the respective states, shall be, and are hereby, exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Militia in each state to be arranged into divisions, brigades, &c. as the legislature thereof may direct.

SEC. 3. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of each state shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant-general's office in the state; and when in the field, or in service in the state, each division, brigade and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. That, if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows: To each division, one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade-inspector, to serve also as brigade-major, with the rank of a major; to each regiment, one lieutenant-colonel commandant; and to each battalion, one major; to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant and one quartermaster, to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one sergeant-major; one drum-major, and one fife-major.

Organization of brigades, regiments, &c.

To be officered by the states in the manner here prescribed.

One company of grenadiers, light-infantry or rifle-

SEC. 4. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed, for each battalion, at least one company of grenadiers, light infantry,

men, to each battalion.

or riflemen; and that, to each division, there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword, or hanger, a fusee, bayonet and belt, with a cartridge box, to contain twelve cartridges; and each private, or matross, shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided.

A company of artillery and troop of horse to each division.

Officers of the dragoons, their horses, arms, &c.

There shall be, to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least, fourteen hands and an half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bearskin caps.

Dragoons, their horses, arms, &c.

Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail pillion, and valise, holsters, and a breast plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box, to contain twelve cartridges for pistols.

Company of artillery and troop of horse to be formed of volunteers, &c.

That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander-in-chief of the state, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

Colors to battalions and regiments, and by whom provided.

Sec. 5. *And be it further enacted*, That each battalion and regiment shall be provided with the state and regimental colors, by the field officers, and each company with a drum, and fife or bugle horn, by the commissioned officers of the company in such manner as the legislature of the respective states shall direct.

An adjutant-general in each state.

Sec. 6. *And be it further enacted*, That, there shall be an adjutant-general appointed in each state, whose duty it shall be to distribute all orders from the commander-in-chief of the state to the several corps; to attend all public reviews, when the commander-in-chief of the state shall review the militia, or any part thereof; to obey all orders from him, relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns, that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps, throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: All which, the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make, in the usual manner so that

His duties.

the said adjutant-general may be duly furnished therewith: From all which returns, he shall make proper abstracts, and lay the same annually before the commander-in-chief of the state.

Rules of discipline, the same as in 1779; except, &c.

SEC. 7.* *And be it further enacted*, That the rules of discipline, approved and established by Congress, in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States; except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer, at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

Commanding officers to train militia according to the rules prescribed.

Commissioned officers to take rank according to date, &c.

SEC. 8. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn, by them, before the commanding officer of the brigade, regiment, battalion, company, or detachment.

Militiamen wounded and disabled in public service, to be provided for, &c.

SEC. 9. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Duties of brigade inspectors.

SEC. 10. *And be it further enacted*, That it shall be the duty of the brigade-inspector, to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline, before described, throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the commander-in-chief of the state; to make returns to the adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition, of the several corps, and every other thing which, in his judgment, may relate to their government and the general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the state, to the commander-in-chief of the said state, and a duplicate of the same to the President of the United States.

And whereas sundry corps of artillery, cavalry, and infan-

*This section is repealed by act of 12th May, 1820, chapter 10, appendix, which adopts, for the militia of the United States, the system of discipline and field exercise observed by the regular army. The rules of 1779, here referred to, were contained in the system prepared by the baron Steuben, which was examined and amended by General Washington prior to its adoption by Congress.

try, now exist in several of the said states, which, by the laws, customs, or usages, thereof, have not been incorporated with, or subject to, the general regulations of the militia:

Existing corps to retain their accustomed privileges; subject, &c.

SEC. 11. *And be it further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act in like manner with the other militia.

[*Approved, May* 8, 1792.]

CHAPTER 2.

An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes.*

Monthly rate of pay of non-commissioned officers, privates, &c. of the militia, when called into service.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passing of this act, the allowance of bounty, clothing, and pay, to the non-commissioned officers, musicians, and privates, of the infantry, artillery, and cavalry, of the militia of the United States, when called into actual service, shall be at the rate per month, as follows: Each sergeant-major and quartermaster-sergeant, nine dollars; each drum and fife-major, eight dollars and thirty-three cents; each sergeant, eight dollars; each corporal, drummer, fifer, and trumpeter, seven dollars and thirty-three cents; each farrier, saddler, and artificer, (included as a private,) eight dollars; each gunner, bombardier, and private, six dollars and sixty-six cents.

Allowances to cavalry for use, &c. of horses, &c. and in lieu of rations and forage, when, &c.

SEC. 2. *And be it further enacted*, That, in addition to the monthly pay, there shall be allowed to each officer, non-commissioned officer, musician, and private, of the cavalry, for the use of his horse, arms, and accoutrements, and for the risk thereof, except of horses killed in action, forty cents per day; and to each non-commissioned officer, musician, and private, twenty-five cents per day, in lieu of rations and forage, when they shall provide the same.

Pay to commence from the time of appearing at rendezvous.

A day's pay, &c. for every fifteen miles to the place of rendezvous, &c.

SEC. 3. *And be it further enacted*, That whenever the militia shall be called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the places of battalion, regimental, or brigade, rendezvous; allowing to each non-commissioned officer, musician, and private soldier, a day's pay and rations for every fifteen miles from his home to such place of rendezvous, and the same allowance for travelling home from the place of discharge

Pay in addition, &c. to the militia lately called forth into actual service, &c.

SEC. 4. *And be it further enacted*, That, in addition to the pay heretofore authorized by law, there shall be allowed and paid to the non-commissioned officers, musicians, and privates, of the militia lately called forth into the actual service of the United States, on an expedition to fort Pitt, such sums as shall,

* See act of 19th March, 1836, chapter 13, appendix.

with the pay heretofore by law established, be equal to the allowances respectively provided in the first and second sections of this act: *Provided nevertheless*, That the compensations made by any state, to the militia called forth, from such state, shall be deemed to be included in the additional allowance authorized by this act; and such state shall be entitled to receive from the treasury of the United States, such sums as they shall have paid, or allowed, to the non-commissioned officers, musicians, and privates, over and above the pay heretofore allowed by law, and not exceeding the additional allowance granted by this act.

Proviso; the compensation made by any state to be included, &c.

The states entitled to receive from the treasury such sums as they have paid, &c.

Additional pay to the troops enlisted, &c.

SEC. 5.* *And be it further enacted*, That, for the completing and better supporting the military establishment of the United States, as provided by the act, entitled "An act making further and more effectual provision for the protection of the frontiers of the United States," there shall be allowed and paid, from and after the first day of January, one thousand seven hundred and ninety-five, to each non-commissioned officer, musician, and private, now in service, or hereafter to be enlisted, the additional pay of one dollar per month, during the terms of their respective enlistments; and to each soldier now in the service of the United States, or discharged therefrom, subsequent to the third day of March last, who shall re-enlist after the first day of January next, an additional bounty of eight dollars, making the entire bounty sixteen dollars; and to each person not now in the army of the United States, or discharged, as above, who shall enlist after the said first day of January next, an additional bounty of six dollars, making the entire bounty fourteen dollars: but the payment of four dollars of each additional bounty hereby granted, shall be deferred until the soldier enlisting shall join the regiment or corps in which he is to serve.

Additional bounty to soldiers re-enlisting, &c.

The payment of $4 of the additional bounty deferred, &c.

Additional allowance of provisions to those in the military service who are employed on the western frontiers, &c.

SEC. 6. *And be it further enacted*, That to those in the military service of the United States, who are, or shall be, employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations.

[*Approved, January* 2, 1795.]

*This, and the next succeeding section, relate to the regular army. Similar provisions will be found incorporated in the act of 30th May, 1796, to ascertain and fix the military establishment of the United States, which may be regarded as superseding these—See chapter 26, sections 7, 11, and 12.

CHAPTER 3.

An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; and to repeal the act now in force for those purposes.*

In case of invasion, &c. the President may call forth the militia most convenient, and issue his orders to the militia officers, &c.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*- That whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the state or states, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders, for that purpose, to such officer or officers of the militia as he shall think proper. And in case of an insurrection in any state, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such state, or of the Executive, (when the legislature cannot be convened,) to call forth such number of the militia of any other state or states, as may be applied for, as he may judge sufficient to suppress such insurrection.

In case of insurrection against the government of a state, the President, on application, &c. may call forth the militia of other states, &c.

In case of opposition to the laws by powerful combinations, &c. the President may call forth the militia of any state, &c.

SEC. 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

Whenever the miliary force is necessary, the President, by proclamation, to command the insurgents to disperse, &c.

SEC. 3. *Provided always, and be it further enacted*, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abode, within a limited time.

Militia in service, to be subject to the rules and articles of war, &c.

Militia not to serve more than three months after arrival at the place of rendezvous, &c.

SEC. 4. *And be it further enacted*, That the militia employed in the service of the United States, shall be subject to the same rules and articles of war as the troops of the United States: And that no officer, non-commissioned officer, or private, of the militia, shall be compelled to serve more than three months after his arrival at the place of rendezvous, in any one year, nor more than in due rotation with every other able bodied man of the same rank in the battalion to which he belongs.

Officers, privates &c. failing to

SEC. 5. *And be it further enacted*, That every officer, non-commissioned officer, or private, of the militia, who shall

*See supplementary act, chapter 6, appendix.

obey the President, &c. forfeit pay, not exceeding, &c.

fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall,

Officers liable, moreover, to be cashiered, &c

moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the said court: And such non-commissioned officers and

Non-commissioned officers and privates liable to be imprisoned on failing to pay fines, &c.

privates shall be liable to be imprisoned, by a like sentence, on failure of the payment of fines adjudged against them, for one calendar month, for every five dollars of such fine.

Courts-martial, &c. of militia officers only.

SEC. 6. *And be it further enacted*, That courts-martial for the trial of militia, shall be composed of militia officers only.

Fines to be certified by the presiding officer of the court-martial, to the marshal, &c. who is to levy, &c.

SEC. 7. *And be it further enacted*, That all fines to be assessed, as aforesaid, shall be certified by the presiding officer of the court-martial before whom the same shall be assessed, to the marshal of the district in which the delinquent shall reside, or to one of his deputies, and also to the supervisor of the revenue of the same district, who shall record the said certificate in a book to be kept for that purpose. The said marshal, or his deputy, shall forthwith proceed to levy the said fines, with

Sale of distrained goods according to state laws &c.

costs, by distress and sale of the goods and chattels of the delinquent; which costs, and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the state in which the same shall be, in other cases

Where non-commissioned officers and privates are adjudged to suffer imprisonment, &c. the marshal, &c. may commit, &c.

of distress. And where any non-commisssioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the said fines, the marshal of the district, or his deputy, may commit such delinquent to gaol, during the term for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

The marshals to pay fines to supervisors, &c.

SEC. 8. *And be it further enacted*, That the marshals and their deputies shall pay all such fines by them levied, to the supervisor of the revenue in the district in which they are collected, within two months after they shall have received the same, deducting therefrom five per centum as a compensation

Five per cent. compensation to the marshal.

for their trouble; and in case of failure, the same shall be recoverable by action of debt or information, in any court of the United States, of the district in which such fines shall be levied,

The marshals failing to pay over, may be sued, &c.

having cognizance thereof, to be sued for, prosecuted, and recovered, in the name of the supervisor of the district, with interest and costs.

Marshals, in executing the laws of the United States, empowered as sheriffs, &c.

SEC. 9. *And be it further enacted*, That the marshals of the several districts, and their deputies, shall have the same powers, in executing the laws of the United States, as sheriffs, and their deputies, in the several states, have by law in executing the laws of the respective states.

SEC. 10. *And be it further enacted*, That the act, entitled

"An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," passed the second day of May, one thousand seven hundred and ninety-two, shall be, and the same is hereby, repealed. The act mentioned, repealed

[*Approved, February* 28, 1795.]

CHAPTER 4.

An act providing arms for the militia throughout the United States.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there shall be provided, at the charge and expense of the government of the United States, thirty thousand stand of arms, which shall be deposited, by order of the President of the United States, at suitable places, for the purpose of being sold to the governments of the respective states, or the militia thereof, under such regulations, and at such prices, as the President of the United States shall prescribe. 30,000 stand of arms to be provided, for sale to the state governments, etc.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to cause all or any part of the arms herein directed to be provided and deposited for sale, which shall, at any time, remain unsold, to be delivered to the militia, when called into the service of the United States, proper receipts and security being given for the return of the same. Arms remaining unsold may be delivered to the militia when called into service, &c.

SEC. 3. *And be it further enacted,* That the moneys arising from such sales shall be paid into the treasury of the United States, and the amount received shall be annually reported to Congress. Amount of sales to be paid into the treasury, etc.

SEC. 4. *And be it further enacted,* That, for the purpose of carrying this act into effect, the President of the United States shall be, and he is hereby, authorized to draw from the treasury of the United States a sum not exceeding four hundred thousand dollars, to be paid out of any money in the treasury not otherwise appropriated. Appropriation of 400,000 dolls. for the purposes of this act.

[*Approved, July* 6, 1798.]

CHAPTER 5.

An act in addition to an act, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."†

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it shall be the duty of the adjutant-general of the militia, in The adjutant-general of the militia in each state, to make returns

*See act of 23d April, 1808, chapter 59.
†For original act, see chapter 1, appendix.

to the President annually, &c.

each state, to make return of the militia of the state to which he belongs, with their arms, accoutrements, and ammunition, agreeably to the directions of the act to which this is an addition, to the President of the United States, annually, on or before the first Monday in January, in each year: and it shall be the duty of the secretary of war, from time to time, to give such directions to the adjutant-generals of the militia, as shall, in his opinion, be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before the first Monday of February, annually.

The secretary of war to give directions to the adjutant-generals, &c. and lay an abstract before Congress, annually.

Citizens duly enrolled in the militia, to be constantly provided with arms, etc. after being notified, etc.

Notice to muster, according to the laws of a state, etc. deemed a legal notice of enrolment.

SEC. 2. *And be it further enacted*, That, every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the direction of the said act; from and after he shall be duly notified of his enrolment; and any notice or warning to the citizens so enrolled, to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the state in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

Quartermasters and chaplains to the militia, etc.

SEC. 3. *And be it further enacted*, That, in addition to the officers provided for by the said act, there shall be, to the militia of each state, one quartermaster-general, to each brigade one quartermaster of brigade, and to each regiment one chaplain.

[*Approved, March* 2, 1803.]

CHAPTER 6.

An act supplementary to an act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," and to increase the pay of volunteer and militia corps.*

Fines imposed by courts-martial to be certified to the comptroller of the treasury, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, in every case in which a court-martial shall have adjudged and determined a fine against any officer, non-commissioned officer, musician, or private, of the militia, for any of the causes specified in the act to which this act is a supplement, or in the fourth section of an act, entitled "An act to authorize a detachment from the militia of the United States,"† all such fines, so assessed, shall be certified to the comptroller of

*For original act, see chapter 3, appendix.

†The act referred to, is not comprised in this selection, it having been determined, from their *special* character, to exclude the acts *authorizing detachments* from the militia. The section quoted, does not specify any additional cause of fine, but merely declares the detachment to which it relates, subject to the penalties of the "Act for calling forth the militia, &c." which constitutes chapter 3 of this appendix.

the treasury of the United States, in the same manner as the act to which this act is a supplement directed the same to be certified to the supervisor of the revenue.

Marshals to pay fines, within two months after collection, into the treasury, deducting five per cent. etc.

SEC. 2. *And be it further enacted*, That the marshals shall pay all fines which have been levied and collected by them, or their respective deputies, under the authority of the acts herein referred to, into the treasury of the United States, within two months after they shall have received the same, deducting five per centum for their own trouble; and in case of failure, it shall be the duty of the comptroller of the treasury to give notice to the district attorney of the United States, who shall proceed against the said marshal in the district court, by attachment, for the recovery of the same.

Non commissioned officers, musicians, and privates, of volunteer and militia corps, entitled to the same monthly pay, rations, and forage, etc. as those of the army of the U. S. during, etc.

SEC. 3. *And be it further enacted*, That the non-commissioned officers, musicians, and privates, of volunteer and militia corps, who, subsequent to the thirty-first day of December, one thousand eight hundred and twelve, shall have been, or may hereafter be, called out, while in the service of the United States shall, during the continuance of the present war between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America, and their territories, be entitled to and receive the same monthly pay, rations, and forage, and furnished with the same camp equipage, as are or may be provided by law for the non-commissioned officers, musicians, and privates, of the army of the United States.

[*Approved*, *February* 2, 1813.]

CHAPTER 7.

An act in further addition to an act, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."*

In addition to the officers of the militia provided for by the acts mentioned, there is to be a division inspector, and other officers, as specified, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, in addition to the officers of the militia, provided for by the act, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," approved May the eighth, one thousand seven hundred and ninety-two, and by an act in addition to the said recited act, approved March the second, one thousand eight hundred and three,† there shall be, to each division, one division inspector, with the rank of lieutenant-colonel, and one division quartermaster, with the rank of major; to each brigade, one aid-de-camp, with the rank of captain; and the

* For original act, see chapter 1, appendix.
†See chapter 5, appendix.

quartermasters of brigade, heretofore provided for by law, shall have the rank of captain. And it shall be incumbent on the said officers to do and perform all the duties which, by law and military principles, are attached to their offices, respectively.

[*Approved April* 18, 1814.]

CHAPTER 8.

An act concerning field officers of the militia.

One colonel, one lieutenant-colonel, and one major to each regiment of militia consisting of two battalions, instead, etc. after the 1st of May, 1816.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the first day of May next, instead of one lieutenant-colonel commandant to each regiment, and one major to each battalion, of the militia, as is provided by the act, entitled "An act more effectually to provide for the national defence, by establishing, an uniform militia throughout the United States," approved May the eighth, one thousand seven hundred and ninety-two,* there shall be one colonel, one lieutenant-colonel, and one major, to each regiment of the militia consisting of two battalions. Where shall be only one battalion, it shall be commanded by a major: *Provided*, That nothing contained herein shall be construed to annul any commission in the militia which may be in force, as granted by authority of any state or territory, in pursuance of the act herein recited, and bearing date prior to the said first day of May next.

If only one battalion, a major is to command.

Proviso; nothing herein to annul any commission in force, etc.

[*Approved, April* 20, 1816.]

CHAPTER 9.

An act to defray the expenses of the militia when marching to places of rendezvous.

Expenses incurred by marching militia to places of rendezvous, upon the President's requisition or calls of state authorities approved by him, to be adjusted and paid in the same manner as epenses incurred after arrival.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the expenses incurred, or to be incurred, by marching the militia of any state or territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States, or which shall have been, or may be, incurred in cases of calls made by the authority of any state or territory, which shall have been, or may be, approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of ren-

*See chapter 1, appendix.

dezvous, on the requisition of the President of the United States: *Provided*, That nothing herein contained shall be considered as authorizing any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

Proviso; no species of expenditure authorized previously to arrival, not provided to be paid for after arrival.

[*Approved*, *April* 20, 1818.]

CHAPTER 10.

An act to establish an uniform mode of discipline and field exercise for the militia of the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the system of discipline and field exercise, which is and shall be ordered to be observed by the regular army of the United States, in the different corps of infantry, artillery, and riflemen, shall also be observed by the militia, in the exercise and discipline of the said corps, respectively, throughout the United States.

The system of discipline and field exercise observed by the regular army, to be observed by the militia.

SEC. 2. *And be it further enacted*, That so much of the act of Congress, approved the eighth of May, one thousand seven hundred and ninety-two, as approves and establishes the rules and discipline of the baron de Steuben, and requires them to be observed by the militia throughout the United States, be, and the same is hereby, repealed.

So much of the act of 8th May, 1792, as establishes the baron de Steuben's rules and discipline, repealed.

[*Approved*, *May* 12, 1820.]

CHAPTER 11.

Resolution directing a system of cavalry tactics, and a system of instruction for artillery, to be prepared for the use of the cavalry and artillery of the militia.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of war be authorized to have prepared a complete system of cavalry tactics, and also a system of exercise and instruction of field artillery, including manœuvres for light or horse artillery, for the use of the militia of the United States, to be reported for consideration, or adoption, by Congress at its next session.

Secretary of war to have prepared a complete system of cavalry tactics.

[*Approved*, *May* 18, 1826.]

CHAPTER 12.

An act providing for the printing and binding sixty thousand copies of the abstract of infantry tactics, including manœuvres of light infantry and riflemen, and for other purposes.

Secretay of war to contract for 60,000 copies infantry tactics, etc.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the secretary of war be, and he is hereby, authorized and directed to contract with Hilliard, Gray and Company, of Boston, or some other person and persons, for printing, binding, and delivering, sixty thousand copies of the abstract of infantry tactics, including exercises and manœuvre of light infantry and riflemen, for the use of the militia of the United States.

Also, 5,000 copies exercise of field artillery.

Also, five thousand copies of a system of exercise and instruction of field artillery, including manœuvre for light or horse artillery, as reported by the secretary of war, on the eighth of January, eighteen hundred and twenty-seven, agreeably to the proposals of said Hillard, Gray, and Company, made to the Secretary of war, dated on the twenty-seventh October, eighteen hundred and twenty-seven, in their specimen marked B—

To be distributed among the states, territories, and District of Columbia, through their chief magistrates, etc.

and when so printed, bound and delivered, the secretary of war is hereby directed to apportion the same among the several states and territories, and in the District of Columbia, for the use of the militia thereof, according to the number of the militia in each state and territory and the District of Columbia; and to forward to the chief magistrate of each state and territory, the number allowed to such state and territory as aforesaid, to be by said chief magistrate distributed among the officers of the militia of such state or territory, for their use, and the use of their successors in office, under such rules and regulations as they may direct. And the secretary of war will cause the number of copies apportioned to the District of Columbia, to be distributed among the officers of the militia in the district, under such rules and regulations as may be prescribed by the President of the United States.

Appropriation.

SEC. 2. *And be it further enacted*, That the sum of fourteen thousand seven hundred and nineteen dollars, is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expense of printing, binding and distributing the same.

[*Approved, March* 2, 1829.]

CHAPTER 13.

An act to provide for the payment of volunteers and militia corps, in the service of the Unted States.

Voluntcers and militia to be paid and furnished as provided for the

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the officers, non-commissioned officers, musicians, artifi-

cers and privates, of volunteer and militia corps, who have been in the service of the United States, at any time since the first day of November, in the year of our Lord, one thousand eight hundred and thirty-five, or may hereafter be in the service of the United States, shall be entitled to and receive the same monthly pay, rations, clothing or money in lieu thereof, and forage, and be furnished with the same camp equipage, including knapsacks, as are, or may be provided by law for the officers, musicians, artificers, and privates, of the infantry of the army of the United States.* infantry of the United States.

SEC. 2. *And be it further enacted*, That the officers of all mounted companies who have been in, or may, hereafter be in, the service of the United States, shall each be entitled to receive forage, or money in lieu thereof, for two horses, when they actually keep private servants, and for one horse when without private servants, and that forty cents per day be allowed for the use and risk of each horse, except horses killed in battle or dying of wounds received in battle. That each non-commissioned officer, musician, artificer and private, of all mounted companies, shall be entitled to receive forage in kind for one horse, with forty cents per day for the use and risk thereof, except horses killed in battle, or dying of wounds received in battle, and twenty-five cents per day in lieu of forage and subsistence, when the same shall be furnished by himself, or twelve and a half cents per day for either as the case may be. Officers of mounted companies, allowances to.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers, musicians, artificers and privates, shall be entitled to one day's pay, subsistence, and other allowances, for every twenty miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence. Allowance for travelling.

SEC. 4. *And be it further enacted*, That the volunteers or militia, who have been or who may be received into the service of the United States, to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States. Volunteers or militia who may be wounded or disabled.

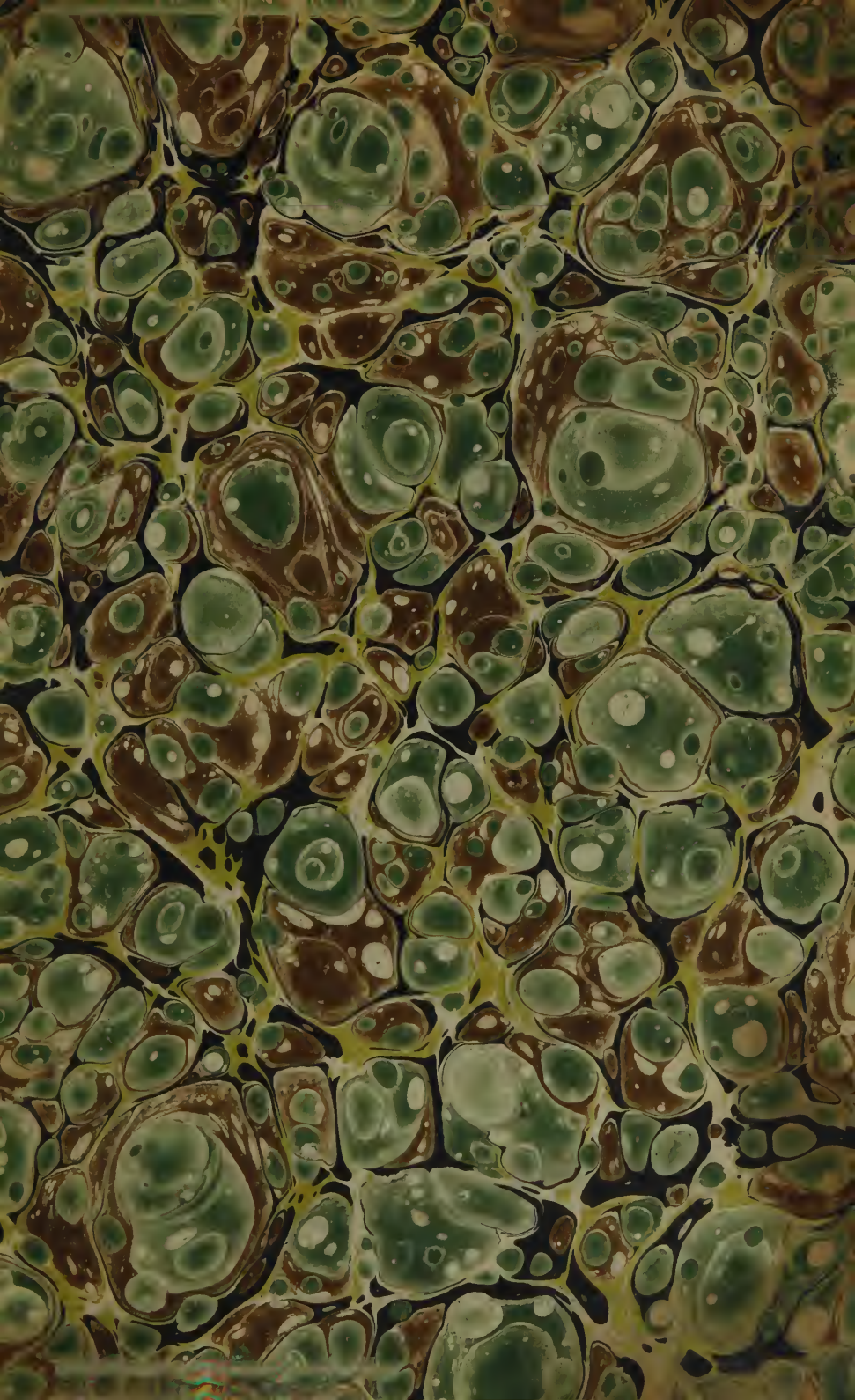
SEC. 5. *And be it further enacted*, That when any officer, non-commissioned officer, artificer, or private, of said militia or volunteer corps, who shall die in the service of the United States, or returning to his place of residence after being mustered out of service or at any time in consequence of wounds received in service, and shall leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled, at the time of his death, for and during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half pay for the remainder of the time shall go Provision for widows, etc. of those who die in the service.

*See chapter 159, of this volume.

Proviso.

to the child or children of said decedent: *Provided always*, That the secretary of war shall adopt such forms of evidence, in application under this act, as the President of the United States may prescribe.

What volunteers and militia are included in these provisions.

SEC. 6. *And be it further enacted*, That the volunteers and militia mentioned in the foregoing provisions of this act, called into service before its passage, and who are directed to be paid shall embrace those only ordered into service by the commanding-general or governors of states and of the Territory of Florida under authority from the war department for repressing the hostilities of the Florida Indians.

[*Approved March* 19, 1836.]